United Nations S/PV.6354 (Resumption 1)

Security Council

Sixty-fifth year

Provisional

6354th meeting

Wednesday, 7 July 2010, 3.10 p.m.
New York

President:	Mrs. Ogwu	(Nigeria)
Members:	Austria	Mr. Heissel
	Bosnia and Herzegovina	Ms. Kuljanin
	Brazil	Mr. Garcia
	China	Ms. Li Xinyan
	France	Mr. Gonnet
	Gabon	Mrs. Onanga
	Japan	Mr. Nishiumi
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	Mexico	Mr. Sánchez Colín
	Russian Federation	Mr. Tolkach
	Turkey	Mr. Ümal
	Uganda	Mrs. Kafeero
	United Kingdom of Great Britain and Northern Ireland	Mr. Green
	United States of America	Mr. Donegan

Agenda

Protection of civilians in armed conflict

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The meeting resumed at 3.10 p.m.

The President: I should like to inform the Council that I have now received letters from the representatives of Armenia, Azerbaijan and Sri Lanka, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously.

I now give the floor to the representative of Afghanistan.

Mr. Tanin (Afghanistan): First of all, let me congratulate you, Madam President, for assuming the presidency of the Council for this month, and thank you for convening this meeting. Allow me also to thank the Secretary-General, High Commissioner Pillay and Under-Secretary-General Holmes for their briefings today. I want to pay particular tribute to Mr. Holmes, who is no longer in the Chamber, and to thank him for his years of service at the United Nations and his extraordinary efforts to protect civilians across the world.

Only last week, we met in this Chamber to debate the situation in my country (see S/PV.6351), and in my statement at that meeting I emphasized the importance of putting the Afghan people at the centre of our common efforts and of re-engaging them in the reconstruction and stabilization of their country. There can be no legitimacy of efforts or sustainability of progress without the support and partnership of the people themselves. This awareness has led the Government of Afghanistan, in partnership with the international community, to focus on finding ways to meet the needs and expectations of the people. In this regard, last month, my Government convened a Consultative Peace Jirga, which brought together all segments of Afghan society in the search for stability and the end of conflict. One thing was very clear — all Afghans desire peace. This is, at heart, the only way to truly protect the Afghan people and stabilize the country. This is my Government's ultimate and most fundamental goal.

In the meantime, civilians continue to pay a staggering price. Over 6,000 Afghans, including women, children and the elderly, were killed and injured last year alone, and even more are being killed this year. More than half are killed by suicide attacks and improvised explosive devices. Mines and other remnants of war continue to claim lives, particularly of children. In recent years, the Taliban, Al-Qaida and their terrorist allies have been responsible for an increasing and overwhelming majority of civilian casualties, and they have embraced assassinations, executions and threats in an attempt to control the population through terror. They show a complete disregard for human life and a willingness to particularly target vulnerable groups, including schoolchildren and teachers. Last month, in a particularly gruesome example, they hanged a seven-year old child, accusing him of being a Government spy. The same day, they attacked a wedding ceremony and killed over 40 people in Kandahar. Last week, in another province of Afghanistan, they killed another child, with the same accusations.

In addition to the cost of this conflict to Afghans, our international friends are also targeted for their efforts to build a stable, prosperous Afghanistan. Attacks on humanitarian workers, United Nations personnel and those working in education and health care continue to increase. The attack in October on Bakhtar Guest House, which took the lives of five United Nations staff members and three others, was just one of several such incidents. In this regard, and on behalf of my Government, let me reiterate our gratitude to the men and women of the United Nations and our international friends, who work in Afghanistan under very difficult circumstances for the sake of the Afghan people and in the pursuit of international peace and security.

The Afghan Government and people recognize the critical work of the Organization in supporting the efforts of my Government and in providing basic services to and meeting the humanitarian needs of the

people. We fully support all United Nations efforts in Afghanistan and at Headquarters to improve security conditions for United Nations staff.

It is not only the terrorists who are to blame; we, too, bear an enormous responsibility to safeguard the security of non-combatants. We have achieved remarkable progress on this in the past year. We welcomed steps taken by the former commander of the International Security Assistance Force (ISAF), General McChrystal, to change the rules of engagement in order to better protect the lives of civilians, and the Security Council noticed the results in its mission last month. We expect that General Petraeus, as the new commander of ISAF, will continue this emphasis. However, we can and must do more to prevent collateral damage and friendly fire, such as in the unfortunate incident yesterday that cost the lives of five Afghan servicemen.

Every civilian casualty undermines the belief of the people in the good will of the international community and emboldens the enemy. President Karzai continues to raise this issue with our international partners at the highest level, including in his May meetings with President Obama, and we know that our allies share our belief that every civilian death is unacceptable. In addition, my Government is working to build an efficient, effective and responsible army and police force dedicated to the protection of Afghans and the maintenance of security and the rule of law. The safety of the Afghan people should be our central concern, and we must continue to work together to be worthy of their trust and confidence in our future efforts.

Afghanistan supports the growing trend of including the protection of civilians in the mandates of ISAF and other military missions. Increasingly, we should measure our success not by abstract measures, but by concrete improvement in the lives of the people. It is both responsible and necessary that we continue to search for ways to better meet our responsibilities and to bring to Afghans and others the peace, justice and stability that are the birthright of all humankind.

The President: I now give the floor to the representative of Canada.

Mr. McNee (Canada): I would like, Madam President, to thank you and the Nigerian delegation for convening today's meeting on this important theme. I would also like to thank both Under-Secretary-General Holmes and the High Commissioner for Human Rights for their presentations this morning, and to join others in praising John Holmes for his deep commitment and very effective work in protecting civilians.

Since the last open debate (see S/PV.6216) on this subject less than eight months ago, unfortunately there has been no shortage of civilians in need of protection. Long-standing crises in Somalia, the Sudan, the Democratic Republic of the Congo and Afghanistan — as we have just heard — have been joined by new crises in Yemen and Kyrgyzstan. The international community continues to grapple with protection issues related to displacement, sexual and gender-based violence and the forced recruitment of children into armed conflict on a large scale.

Canada is pleased that the Council remains actively seized of the need for strategic action, and we believe that progress is being made. A clearer agenda for the protection of civilians is emerging, with increasing political engagement evident in the adoption of four new Security Council resolutions over the past year on the protection of civilians; women, peace and security; and children and armed conflict. These resolutions have been practical, providing an operational focus with respect to peace operations, and stronger tools in implementing the women, peace and security agenda and the monitoring and reporting mechanism for grave violations against children. Canada welcomes the appointment of a Special Representative to provide leadership and coordination on addressing sexual violence in armed conflict.

Outside the Council, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa sends an important signal about the seriousness with which Africa — which is home to around half of the global total of internally displaced persons — considers the issue.

Nevertheless, despite these positive efforts, regular reflection and refinement are needed for those areas where action still falls short. Sustained, pragmatic commitment is needed, as is the mainstreaming of protection issues into policy and decision-making processes. I would like briefly to highlight three key areas of focus where positive changes, we think, can be made: first, consistency in the Council's approach; secondly, enhancing protection through more effective peace operations; and, finally, accountability.

First, in our view the Security Council would benefit from better-defined trigger mechanisms to complement the aide-memoire (see S/PRST/2009/1, annex) and assist the Council in determining when and how to engage when civilians are at risk. Too often, it seems that there is a tendency to overlook those contexts of which the Council is not actively seized and to delay action rather than to get out in front of a crisis. In this respect, the Council would benefit from contingency planning when parties do not respond to its resolutions or sanctions, and from the ability and willingness to draw on other tools at its disposal, such as commissions of inquiry, expert panels, envoys and preventive deployments. Canada views the expert group as an important forum for the humanitarian community to brief the Council informally on protection of civilians issues.

Secondly, we must continue to encourage greater complementarity while reducing overlap and competition among those engaged in peacemaking, peacekeeping, peacebuilding and humanitarian response. Those involved in peace operations should respect humanitarian principles, while humanitarian actors should recognize the need to re-establish the responsibility and legitimacy of national institutions. If peace processes are really to take hold, the rights and well-being of civilians, including women and girls, must be integrated into all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programming. This means building a holistic approach that is not focused solely on a given humanitarian, military or policing task but includes action on human rights, the rule of law, political, security, development and disarmament.

In all these efforts, the international community must be attuned to including the voices of those affected, including refugees and internally displaced persons. The independent study jointly commissioned by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, as well as the New Horizon initiative, present a comprehensive set of recommendations on how peace operations can be strengthened to better meet protection concerns. Canada welcomes the efforts of the Secretariat to close the gap between mandates, expectations, roles and responsibilities. My delegation looks forward to the establishment of clear benchmarks and guidelines to ensure that peacekeeping missions are provided with the tools to protect civilians properly.

When it comes to engagement by regional organizations, it is critical to ensure clarity around roles, expectations and lines of accountability. On the ground, special representatives of the Secretary-General and country teams must regularly assess, monitor and report on the implementation of these mandates. They must be able to rely on the Council's support and receive the training and resources needed to fulfil their roles. In turn, Member States have a key role to play in providing the political momentum to drive the protection of civilians agenda forward.

(*spoke in French*)

Thirdly, in many conflicts it is frequently the absence of accountability that allows violations to thrive. Protection work is first and foremost a sustained and multifaceted effort to develop an environment conducive to the rule of law. Whatever the nature of the threat to civilians, compliance with international law by all parties concerned is the best guarantee for ensuring their safety. Strong, independent, transparent and dependable judicial and policing institutions are fundamental in that respect. The restoration of law and order to prevent further violence and encourage accountability must be a key priority for the States concerned, the Security Council and peace operations.

The Council has an important role to play in calling for security system reform and transitional justice mechanisms and for supporting those reforms. Canada is pleased to provide direct support to the ongoing work of the United Nations in this area, including via the inter-agency Security Sector Reform Task Force in order to generate an integrated, holistic approach to those reforms.

In the absence of adequate local capacity, the rapid deployment of international civilian law enforcement and criminal justice experts could make an important contribution. Canada will continue to make important investments in this key area, on both a multilateral and a bilateral basis. Canada can never stress strongly enough the fact that the protection of civilians also includes ensuring the safety and security of those individuals who put their lives on the line every day to reach those in need.

The past year has been difficult for humanitarian workers who have witnessed their colleagues abducted, threatened and sometimes killed in the discharge of their work. This situation is unacceptable. We recognize the efforts under way to improve protection

of staff, including national staff, who are often the most vulnerable. We all have an obligation to support those on the front line of humanitarian action.

In closing, Canada sees the protection of civilians in armed conflict as an essential element in the maintenance of freedom, democracy, human rights and the rule of law. We recognize that this is a complex and multilayered issue requiring concrete action to apply the rules that Member States and the Council have adopted. With focused and consistent engagement, the potential exists to make strong gains over the coming year.

The President: I give the floor to the representative of South Africa.

Mr. Mashabane (South Africa): We thank you, Madam President, for convening this open debate on the protection of civilians in armed conflict. I also take this opportunity to congratulate you and the delegation of Nigeria on your assumption of the presidency of the Security Council for the month of July. We further welcome the presence and participation of the Secretary-General earlier in today's debate, and we thank the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes, as well as the High Commissioner for Human Rights, Ms. Pillay, for their briefings to the Council.

Since the adoption of resolution 1265 (1999) 10 years ago and of the Geneva Conventions 60 years ago, the Security Council has on many occasions addressed the important issue before us today. In this context, we commend the Council for its commitment to the protection of civilians, especially its adoption of resolution 1894 (2009).

South Africa attaches high importance to the protection of civilians in armed conflict. As a country, we have acceded to the Geneva Conventions of 1949 and the two Additional Protocols of 1977. These instruments are critical to the issue before us today, as they seek to protect various victims of armed conflict, particularly civilians not involved in hostilities. My delegation recognizes that the protection of civilians is, by its very nature, the primary responsibility of individual Member States. However, the issue of the protection of civilians in armed conflict has become more complex as various conflicts of different natures have broken out.

The issue of the protection of civilians should therefore be approached in a holistic manner. In this context, measures to protect civilians in armed conflict can be viable only if the critical needs of civilians, including their socio-economic needs, are adequately addressed. Crucially, addressing the specific protection needs of women and children must remain a priority matter for the international community, in particular the United Nations system. My delegation therefore reiterates our support for the implementation of resolution 1325 (2000) on women and peace and security and resolution 1612 (2005) on children and armed conflict, as well as other relevant resolutions.

South Africa is of the view that the appointment of the Special Representative of the Secretary-General on Sexual Violence in Conflict, in February this year, was a positive development that reaffirmed the readiness of the United Nations to take action in addressing the plight of women and children when sexual violence has been a major problem or any grave violation has been committed.

In recent years, United Nations peacekeeping operations have played an important part in the protection of civilians. In addition, modern-day peacekeeping missions are by and large deployed to address intra-State conflicts, and an increasing number of United Nations peacekeeping operations have a protection mandate. In that regard, in deploying peacekeepers, the United Nations must ensure that all parties to a conflict commit to and fulfil their obligations with regard to non-combatants, as provided in the Geneva Conventions. In my delegation's view, that requires the Security Council and peacekeeping missions to operate with great sensitivity to assure the host country that they are there to work with the parties and not to replace the State's authority. It therefore requires a coordinated response by and greater consultation among the Security Council, troop-contributing countries and the Secretariat to ensure that peacekeeping mandates are well defined and peacekeeping missions well equipped and adequately resourced.

For us, the African Union Convention for the Protection and Assistance of Internally Displaced Persons represents a major milestone for the continent when it comes to the matter under consideration. The deliberate targeting of civilians and the indiscriminate and excessive use of force, including suicide attacks, have become widespread in certain places, creating an atmosphere of fear aimed at further destabilizing and displacing civilian populations. In other conflict

situations, militarily superior parties, including multinational forces, often respond with methods and means of warfare that violate the principles of distinction and proportionality. In such cases it is again civilians who bear the brunt.

We therefore unequivocally condemn both deliberate attacks on civilians and the loss of life as a result of the indiscriminate or disproportionate use of force, which is a gross violation of international humanitarian law. As a signatory of the Geneva Conventions of 1949 and its two Additional Protocols of 1977, South Africa wishes to underline the importance of adhering to the principles contained therein and calls for the full implementation of the commitments made by States parties to those basic tenets of international law. We support the good work done by the International Committee of the Red Cross and other humanitarian agencies in relation to the promotion and implementation of international humanitarian law.

The Security Council should also continue to call on all parties to a conflict, including multinational forces authorized by the Council, to uphold their international humanitarian law and human rights obligations and to report on steps taken to ensure the protection of civilians during hostilities.

The issue of humanitarian access will require further attention so as to find ways to ensure that those in need of life-saving assistance receive it and that those who provide it do so in a secure environment in which attacks on humanitarian workers are not tolerated.

In the case of the occupied Palestinian territories, my delegation strongly urges that the blockade be lifted in order to provide the necessary humanitarian assistance to the people of Gaza, in accordance with the principles of neutrality, impartiality and independence.

The protection of civilians in armed conflict must remain a priority of the United Nations system. My delegation is therefore of the view that finding a common solution to the protection of civilians will require the cooperation of each and every Member State. We also believe that the protection of civilians would be better addressed in partnership with regional mechanisms and that strengthening dialogue and cooperation between the Security Council and regional organizations would contribute to tackling common security challenges and ensuring speedy action on the ground.

In conclusion, my delegation firmly believes that the protection of civilians would be better ensured by addressing the root causes of conflict and by preventing the outbreak of conflicts in the first instance.

The President: I now give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): I would like to thank you, Madam President, for organizing today's open debate on the protection of civilians in armed conflict. I would also like to thank the Emergency Relief Coordinator, John Holmes, for his briefing and his dedication to advancing the work of the United Nations on this issue over the past three years. It was also a particular pleasure for us to see the High Commissioner for Human Rights in the Security Council.

We have seen significant progress in recent years on the topic under consideration, such as the establishment of an expert group on the protection of civilians, the updating of the aide-memoire (*see S/PRST/2009/1, annex*) and the appointment of a Special Representative on Sexual Violence in Conflict. Nevertheless, there continues to be a gap between the normative framework and the realities on the ground. Progress on the protection of civilians can only be made when Security Council members put their protection commitments before other interests and if issues relating to the protection of civilians are streamlined in the Security Council's consideration beyond this thematic debate.

Timely and unhindered access to civilians in armed conflict is vital to providing humanitarian assistance. Too often access is unsafe, granted too late or not granted at all. The Council must ensure that parties to a conflict comply with their obligations under international humanitarian law to facilitate humanitarian access. We therefore support the inclusion of an annex to the report of the Secretary-General to better analyze, monitor and respond to access restrictions. Restricting access to populations in need contributes to the vicious cycle of war economies, which tend to exacerbate and prolong conflicts. Against that background, we also welcome the announced partial lifting of the Gaza blockade as a first step in the right direction.

Peacekeeping missions continue to suffer from a disconnection between mandates and the conditions on the ground. Mandates are often drafted in a vague manner and are subject to multiple interpretations. Future mandates should provide clear guidance, in particular to police and force commanders. In the meantime, we encourage the Department of Peacekeeping Operations to continue developing operational guidance on the implementation of mandates. In particular, the protection of civilians requires a holistic approach beyond solely military considerations. Mission-wide protection strategies must synergize all available components and resources, including the country team and the host nation.

The Council must ensure that mandates are backed up by the resources and capacities necessary to match reasonable expectations on the ground. To that end, we welcome the establishment of an expert group on the protection of civilians and commend the Council for adopting resolution 1894 (2009) as a crucial step to improving the drafting of mandates of peacekeeping missions. We encourage the Council to continue to update the aide-memoire annually, as originally envisaged in the presidential statement of December 2002 (*S/PRST/2002/41*).

Efforts to uphold the authority of the core standards of international humanitarian law must be redoubled. The International Criminal Court (ICC) is at the centre of the fight against impunity at the international level, but it can only act as a court of last resort. We fully subscribe to the principle that national judicial authorities have the primary obligation to investigate and prosecute violations of international humanitarian law. However, many conflict and post-conflict countries lack the capacity to conduct credible judicial proceedings and require comprehensive assistance. One conclusion of the recent stocktaking of international criminal justice, undertaken at the ICC Review Conference in Kampala, Uganda, was the need to significantly step up such efforts and to support them. We encourage all stake-holders to engage in new concerted efforts to this end.

The President: I call next on the representative of Argentina.

Mr. Argüello (Argentina) (*spoke in Spanish*): Madame President, allow me at the outset to congratulate you on assuming the presidency of the Security Council for this month, and to thank you for the timely convening of this meeting.

The protection of civilians in armed conflict continues to be a matter to which the international community and my country attribute considerable importance. It is unfortunate that the Security Council must continue to consider this matter, as civilians still suffer greatly from the consequences of armed conflict. Thus the Council must continue its commitment to the protection of civilians in armed conflict with the fostering of full respect for humanitarian law and international law and human rights, as well as the fight against impunity.

My delegation has repeatedly underscored the value and significance of the 1949 Geneva Conventions, which represented a significant step forward for the international community with respect to the dehumanization through which it had lived. Six decades later there are still conflicts. Unfortunately there are still many situations in which civilians are targets of attacks, resulting in unacceptable deaths among the civilian population, situations in which children are recruited as soldiers and girls are recruited for purposes of abuse. Rape and every kind of sexual abuse are daily occurrences, and thousands and even millions of people are displaced. Access to humanitarian support is rendered impossible or is seriously hindered. Many such situations are exacerbated by the lack of mechanisms that guarantee justice and punishment for perpetrators — that is, impunity prevails.

Parties in an armed conflict are subject to the basic norms of international humanitarian law, which stipulate that civilians must be protected from the effects of conflict. As regards non-State armed groups present in those armed conflicts that are not of an international character, it is clear that common article 3 of the four 1949 Geneva Conventions contains specific obligations that must be respected by the parties in conflict. It also applies to a party or parties that are not of a State nature.

Peacekeeping operations and the protection of civilians are of direct concern to the Security Council. As I have indicated on other occasions, my country is convinced of the need to include protection activities in mandates of United Nations missions and to develop them with clarity and provide them the resources they need in an efficient and timely manner. Interaction with

the contingents on the ground is essential for the mandates to be not only clear, but also, and fundamentally, appropriate to the circumstances that the peacekeeping operation will face.

Regarding the composition of the contingents, it is important to bear in mind the structure required to meet the needs for the protection of women, in particular, in matters of sexual violence. It is also important to bear in mind the need to protect children from being recruited as soldiers, and for their rehabilitation.

Another critical aspect of the protection of civilians is ensuring access to humanitarian assistance. If parties to a conflict fail to fulfil their obligations according to international humanitarian law, they must at least do their utmost to ensure access of shipments and materials and the delivery of support. Also, persons fleeing combat areas must be allowed to safely transit to areas where they can be safe from hostilities.

One delegation mentioned the possibility of establishing commissions of inquiry. On this matter, and in the matter of international conflicts, I would like highlight a means for one or more parties to a conflict not only to gain access to an investigation of facts that could be serious violations of the Geneva Conventions, but also to obtain the unofficial offices of an impartial body that can allow full respect for the Conventions. I am referring to the International Fact-Finding Commission established in Protocol I to the Geneva Conventions. We encourage States to keep that possibility in mind, and we welcome the fact that, at its sixty-fourth session, the General Assembly granted observer status to the International Fact-Finding Commission.

Being a victim of an armed conflict is a condition that extends beyond the end of hostilities. In the stocktaking exercise of the International Criminal Court (ICC) that took place during the Review Conference of the Rome Statute, held in Kampala, there was an analysis of the victims and affected communities. One element to underscore — as was done at that event — is that the ICC has allowed victims of serious crimes to speak for themselves and that child soldiers were recognized more as victims than perpetrators. It was also underscored that women are usually subjected to sexual violence as a tactic of war. In the case of both women and children it is clear that they continue to be victims when they return to their communities, often stigmatized and subjected to reprisals.

In that context it is thus necessary to refer to the role of justice, a matter to which my country attaches the utmost importance. Perpetrators of war crimes, genocide or crimes against humanity are responsible for serious crimes, and they must be brought to justice. Ensuring justice in relation to such very grave crimes is more than an obligation of States; it is in the interest of the international community represented in this Organization, since justice contributes to alleviating the wounds caused by the conflict and paves the way for reconstruction and peace.

This Council established two international tribunals: the International Criminal Tribunals for the former Yugoslavia and for Rwanda. Currently we are in transit towards a system for international justice for the most serious crimes, including war crimes, based on a permanent tribunal more than on an ad hoc tribunal. Such a permanent tribunal is fully functioning — the International Criminal Court, established by the 1998 Rome Statute.

It must be repeated once more that, in accordance with international humanitarian law and the resolutions of this Council, any kind of attack targeting civilians and other protected persons in situations of armed conflict — including obstructing access to humanitarian assistance and the recruitment of children — constitutes a violation of international law. Therefore I wish to conclude by once more urging strict compliance with the obligations arising from the 1899 and 1907 Hague Conventions, the four 1949 Geneva Conventions and their 1977 Additional Protocols, general international law, and Security Council decisions.

The President: I now give the floor to the representative of India.

Mr. Manjeev Singh Puri (India): At the outset, please allow me to clarify that I am representing my Permanent Representative, who had to be elsewhere because of the slight delay in our being able to speak.

India would like to thank the Nigerian presidency for organizing this thematic debate on the issue of the protection of civilians. This is a theme that, in our understanding, falls within the broader rubric of peacekeeping, which, with more than 100,000 peacekeepers and an $8-billion budget, remains the

most visible operational activity of the United Nations. The fact that both the Security Council and the General Assembly have organized thematic debates on peacekeeping within two weeks of one another is a reflection of the centrality of peacekeeping both to the Council and to the Assembly.

This is the second time in less than a year that the Council debates the issue of the protection of civilians. There has been considerable movement in the normative sphere in the period intervening those debates. The protection of civilians and other associated concepts have been discussed in detail by Member States during the deliberations of the Special Committee on Peacekeeping Operations. Work is also under way on developing operational doctrines that will actually bring succour to the weak and the helpless in the face of violence and conflict. The debate is no longer on whether we protect civilians; it is about how we protect them.

My delegation is in favour of intergovernmental discussions to develop the normative and operational framework for the protection of civilians. As our record establishes, we stand ready and willing to engage. We would, however, like to caution against the tendency, evident in recent debates on important strategies, to pay lip service to or even bypass the consultative process that is built into a multilateral decision-making structure. Those attempts will fail and undermine the trust and credibility that are integral to the efficient and effective functioning of the Department of Peacekeeping Operations (DPKO) and the Department of Field Support.

International humanitarian law, particularly those provisions that protect civilians, arose to deal with the terrible suffering of civilians in war. The Security Council, in its wisdom, attempted to apply some of the provisions of those laws to intra-State conflict. Unfortunately, the situation on the ground in the areas where the United Nations operates is not entirely satisfactory. Civilians continue to suffer today. It is non-belligerents who continue to bear the brunt of violence in conflict and post-conflict situations.

The operational reasons behind the United Nations inability to fully translate the Security Council's intent to protect civilians on the ground were spelled out with clarity and precision by the independent study commissioned by DPKO last year. It is clear that the major share of the blame lies with the Council itself. Over more than a decade, it has been unable to develop a clear understanding of the nature and extent of the problem, has been unable to give clear directions to DPKO about what it wants and what and how DPKO should operate, and has not taken into account the experience and inputs of countries whose troops are actually on the ground. As the report succinctly states, the confusion over the Council's intent is evident in the lack of policy, guidance, planning and preparedness. As a representative of a country that has been an active participant in United Nations peacekeeping since 1956 and has contributed more than 100,000 peacekeepers to 40 of its operations, my delegation cannot claim to be surprised by the findings.

More than 8,000 Indian peacekeepers are on the ground today and, as I speak here, protecting civilians in some of the most challenging operational environments. They operate in situations where violence is low-intensity and often confusing, where belligerents are not necessarily combatants under international humanitarian law, where information is deficient, and where resources and infrastructure are woefully inadequate. Working within those deficiencies, our men and women are trying their utmost to prevent conflict and to stabilize post-conflict situations.

My delegation has concluded that peacekeepers on the ground find it difficult to connect to the debates taking place here. They find that there is insufficient appreciation of the operational challenges of actually executing the mandates of the Security Council. They find that there is an emphasis on normative aspects rather than on implementation. They find that they are being asked to do more and more with less.

Today, 80 per cent of peacekeeping resources are devoted to operations that are more than five years old. Those operations are being called upon to transition into peacebuilding missions, even as they have not entirely overcome the challenges of peacekeeping. In that context, the normative debate associated with the protection of civilians runs the risk of becoming a debate on the strategy to fight yesterday's battle.

We are meeting in the shadow of a demand for reduced United Nations presence in certain key operational areas. It is unlikely that this demand arises out of the success of the United Nations. It is more likely that the United Nations is now of limited

relevance in responding to the challenges facing national authorities as they struggle to consolidate peace. There is no better way of protecting civilians than by consolidating peace. Debates on issues such as strategic consent will not be found helpful by national authorities. That is not what host countries want as they struggle to build institutions and stimulate economic growth.

Attempts to obfuscate the difference between Chapter VI and Chapter VII of the Charter do not serve the ideal purpose of peacekeeping. There is a time and a place for both. Backdoor efforts to evade the Council's special responsibilities, while retaining its privileges, will affect the credibility of the institution.

There is only so much that peacekeepers and DPKO can do. It is important to remember at all times that the primary responsibility for maintaining peace under a Chapter VI operation is that of the host Government. The role of the United Nations is to support their authorities in accordance with their priorities and the relevant ground realities.

We hear from national authorities that the Office of Rule of Law and Security Institutions is now as important as that of the military component in protecting civilians. We also hear that an augmented police presence is required while security sectors are reformed. Security sector reform must be driven by national requirements, and not by donor priorities. The capacity-driven approach that has been adopted needs to become an exercise in understanding and providing what host Governments require, not one of collating what donors can give. Security sector reform will fail to consolidate the hard-earned gains of peacekeeping unless it is based on organic growth and related to the realities of the developing world.

There are countries that have overcome post-colonial challenges similar to those we are concerned with today. There are nations that have faced these obstacles in democratic and open settings while giving primacy to human rights and the rule of law. We need to look at such examples.

The success of the Indian female formed police unit in Liberia is testimony to the power of an example that is relevant to ground realities.

In conclusion, let me thank you again, Madam President, for organizing this debate. India is committed to contributing, through its peacekeepers and its national capacities, to the promotion of peace and security and to the role of the United Nations.

The President: I now give the floor to the representative of Israel.

Ms. Schonmann (Israel): I would like to thank you, Madam President, for convening this important debate. I also wish to thank Under-Secretary-General for Humanitarian Affairs Holmes for his informative briefing, as well as High Commissioner for Human Rights Pillay.

Israel considers the protection of civilians in armed conflict to be of the utmost importance. We are encouraged by the continued efforts of the Security Council, the Secretary-General and his staff in this area. Israel works closely with the United Nations here at Headquarters and on the ground to ensure humanitarian access to civilians in need in times of armed conflict, and will continue to do so.

Since last November's debate in the Council (*see S/PV.6216*) — which marked the anniversary of the adoption of resolution 1265 (1999) on the protection of civilians in armed conflict — and the adoption of resolution 1894 (2009) as well as last week's debate on the protection of children in armed conflict (*see S/PV.6341*), it has become evident that, alongside the considerable progress that has been made, including the recent appointment of a Special Representative on Sexual Violence in Conflict, key challenges and difficult operational, humanitarian and moral dilemmas still remain.

In the face of asymmetric warfare, which is a new and complex phenomenon that the international community has yet to address, regular armies increasingly find themselves fighting paramilitary terrorists or guerrilla organizations that deliberately operate in the vicinity of civilians in densely populated urban settings. While the principle of distinction between combatants and civilians under the laws of armed conflict remain of paramount importance, it has been challenged time and again by developments in modern warfare.

The dilemmas inherent in asymmetric warfare, especially in a situation where terrorists intentionally draw civilians into armed conflict, using them as human shields, warrants close, candid and serious consideration by the Council, taking into account that there are no easy answers, no simple formulas, nor any

mathematical certainty in calculating the tragic toll on civilian lives in any given armed conflict. It further requires international lawyers and policymakers to grapple with the reality on the ground, intricate and complex as it may be.

Although asymmetric warfare has unfortunately become characteristic of the challenges facing Israel in its fight against terrorism in Gaza, it features in many other situations around the world, with similar modus operandi and warfare tactics employed by terrorists, including the deliberate placement of civilians in the vicinity of military targets, turning residential neighbourhoods into combat zones, firing rockets and mortar shells from within civilian population centres and using mosques, hospitals and educational institutions as locations for storing weapons and terrorist infrastructure, to mention but a few.

From our own experience, the blatant disregard by terrorists of the sanctity of human life is not restricted to civilians of their adversary, but is also extended to their own populations. In the Gaza Strip, Palestinian terrorists use similar tactics to launch rockets and mortars from densely populated areas, while turning the civilians' homes from which they operate into a battlefield.

In Lebanon, Hizbullah, just as Hamas in Gaza, maintains its military activity within the fabric of civilian life. Only a few days ago, Hizbullah yet again demonstrated its disregard of civilians when its operatives organized and actively encouraged Lebanese residents and Hizbullah activists to stage seemingly spontaneous violent riots of protest against the United Nations Interim Force in Lebanon, to be followed by numerous incidents directed at these forces, which consequently took place on 3 July. Those orchestrated incidents by Hizbullah against United Nations peacekeepers violates resolution 1701 (2006). Israel expects that these incidents will be addressed in the upcoming briefing to the Security Council on the implementation of resolution 1701 (2006), which is scheduled for next week.

Israel also wishes to pay tribute to, and express its continuing support for, the work of humanitarian agencies that provide essential services on the ground. Israel's continued efforts to facilitate humanitarian assistance to Gaza, including, most recently, the expanded opening of crossing points and the lifting of restrictions on products, are indicative of its genuine efforts to alleviate the hardship of the civilian population subjected to the control and manipulation of the hostile terrorist entity.

However, we must not ignore the fact that terrorists often abuse access privileges, which greatly endangers humanitarian workers and obstructs the movement of aid. Under international humanitarian law, the right to free movement of humanitarian personnel is subject to military necessities and security considerations, among them the safety of the humanitarian personnel themselves and the need to prevent the abuse of humanitarian channels.

Ultimately, any candid assessment of the challenges and dilemmas involved in the protection of civilians in contemporary battlefields as well as the applicable rules of the laws of armed conflict must properly address and balance between several key concepts and principles, including military necessity, humanity, distinction and proportionality, as well as tne recognition that civilians too have the responsibility not to abuse their protected status to take direct part in hostilities.

Israel's Supreme Court has had to address such real and practical challenges during active warfare and combat activities, at times even at the expense of suspending military operations. In seeking a balance between competing security and humanitarian considerations, the protection of civilians resurfaces throughout the Court's extensive jurisprudence on this matter, shedding light on the dilemmas involved in finding an appropriate balance within the framework of the rule of law.

Israel, for its part, will continue to engage in this critical debate and share its experience as part of its commitment to ensuring the protection of civilians amid hostilities and warfare and as part of its commitment to the rule of law.

The President: I now give the floor to His Excellency Mr. Pedro Serrano, acting head of the delegation of the European Union to the United Nations.

Mr. Serrano (European Union): Many thanks, Madam President, for giving the floor to the European Union (EU), allowing it to contribute to this timely and important debate.

The candidate countries of Croatia and the former Yugoslav Republic of Macedonia, the countries of the

Stabilisation and Association Process and potential candidates of Albania, Bosnia and Herzegovina, Montenegro and Serbia, and the European Free Trade Association country of Iceland, a member of the European Economic Area, as well as Ukraine, the Republic of Moldova, Armenia and Azerbaijan, align themselves with this statement.

In the interest of time, I shall read out an abridged version of the EU statement.

Let me thank Under-Secretary-General Holmes for his presentation on the current challenges relating to the protection of civilians. I also welcome the participation of the United Nations High Commissioner for Human Rights, Ms. Pillay, in this debate, and thank her for the proposals aimed at strengthening human rights protection for civilians in the most difficult situations.

Thanks to the work conducted within the United Nations, there is an increasing understanding of the important concept of the protection of civilians in situations of armed conflict. As it is a cross-cutting issue, our strategy needs to be comprehensive. It should encompass activities that range from ensuring the safety and physical integrity of civilian populations to preventing war crimes and other deliberate acts of violence, securing humanitarian access and ensuring full respect for human rights and international humanitarian law by all parties to conflict.

The adoption of resolution 1894 (2009), last November, is a landmark development. It reflects the increased attention paid by the Security Council to protection issues. Security Council resolutions on women, peace and security and on children and armed conflict also contribute to enhancing the protection agenda. Furthermore, stronger interaction between the Council, troop and police contributors, Special Representatives of the Secretary-General, missions and other relevant actors in the field adds to greater coherence and helps mainstream the issue of protection. The European Union commends the work of the expert group on the protection of civilians as a valuable forum for addressing protection concerns in the run-up to mandate renewals.

Moreover, it is crucial to highlight the importance of developing synergies between the protection of civilians and other fields such as transitional justice, gender policies and development, and of ensuring good cooperation among all actors concerned. In the same vein, enhanced cooperation between the Security Council and the Peacebuilding Commission (PBC) will allow the sharing of experience and expertise with regard to protection issues, especially relating to the four countries currently on the PBC agenda, as the EU has repeatedly underlined in the consultations for the 2010 review of the PBC. In particular, the return, resettlement and protection of internally displaced persons and refugees and the specific protection needs of women and children need to be addressed in still-volatile post-conflict environments. The PBC has been indeed active in this field.

We are grateful to Under-Secretary-General Holmes for underlining the need for better compliance with international humanitarian law, including by non-State actors, and we concur with the need for greater accountability for violations of international humanitarian law.

The European Union encourages the Council to adopt appropriate measures in cases of widespread violations of international humanitarian and human rights law in situations of armed conflict. In this regard, we welcome the recently adopted presidential statement on children and armed conflict (S/PRST/2010/10), which provides for increased exchange between the Security Council Working Group on children and armed conflict and sanctions committees.

Moreover, as Under-Secretary-General Holmes underlined in his briefing today, it is essential to ensure safe access to the civilian population — particularly to vulnerable groups, such as detainees, IDPs, women and children — for humanitarian assistance. We look forward to more comprehensive reporting by the Secretary-General on challenges to humanitarian access in situations on the agenda of the Council.

As the world's largest provider of humanitarian aid and through its contributions to crisis management, the European Union is an important partner in United Nations engagements in conflict and post-conflict situations. Over the course of the past year alone, the United Nations and the European Union have worked together in more than 60 countries that were either in emergency or protracted crises to provide assistance and offer protection to vulnerable groups.

While the protection of civilians and the responsibility to protect are two different concepts that must not be confused with one another, there is a clear

linkage between them because, when populations are properly protected, they will not fall victim to genocide, war crimes, crime against humanity and ethnic cleansing.

As many speakers have stressed today, the implementation and operationalization of the protection mandates of United Nations peacekeeping and other missions are key to protecting civilians. The European Union recognizes and welcomes important implementation steps taken since the adoption of resolution 1894 (2009). These include the independent study commissioned by the Department of Peacekeeping Operations (DPKO) and the Office for the Coordination of Humanitarian Affairs; the operational concept and the lessons learned note circulated by DPKO; and the regular inclusion of protection of civilians tasks in the mandates of United Nations peacekeeping operations; the more consistent and systemic consideration of protection of civilians issues in the Secretary-General's reports; the significant inclusion of several paragraphs on the protection of civilians in the 2010 recommendations of the Special Committee on Peacekeeping Operations (see A/64/19), including the development of a strategic framework for mission-wide protection strategies; the elaboration of protection of civilians training modules; and an assessment of the resource requirements for implementing protection mandates.

We look forward to the next report of the Secretary-General on the protection of civilians and to the first progress report on New Horizons, and trust that the issue of improving the protection of civilians will be addressed therein. All these measures will contribute to the development of a culture of protection.

The European Union, for its part, is currently studying the United Nations implementation tools closely, not least in view of our own efforts to further develop the guidelines on the protection of civilians in European Union crisis-management missions and operations. We are very eager to exchange experiences with the United Nations on this issue. In our view, cooperation in this field could be extended to other international actors engaged in crisis management, such as NATO, the African Union, the Organization for Security and Cooperation in Europe, the Council of Europe, the International Committee of the Red Cross, civil society groups and others.

I would like to close by thanking Under-Secretary-General Holmes for his excellent and tireless work for the United Nations humanitarian cause, and wish him all the best for his future.

The President: I now give the floor to the representative of Switzerland.

Mr. Gürber (Switzerland) (*spoke in French*): Madam President, I thank you for organizing this debate on the protection of civilians in armed conflict. I would also like to thank Under-Secretary-General John Holmes for his work during the past three and a half years as head of the Office for the Coordination of Humanitarian Affairs (OCHA) and as United Nations Emergency Relief Coordinator. In a climate characterized by the ever-diminishing application of international humanitarian law, OCHA's role as advocate for the protection of civilians has never been more necessary.

Last year's tenth anniversary of the Security Council debate on the protection of civilians was notable for the adoption of resolution 1894 (2009). The resolution reiterated the fundamental aspects on which the action of States must focus to ensure the effective protection of civilians in situations of armed conflict. It should be implemented without reserve.

I would like to focus my remarks on the follow-up to three key aspects of the resolution: the links to the questions of children in armed conflict and of gender; the need to focus more attention on the protection of civilians in peacekeeping operations; and the question of respect for international law by non-State actors.

First, concerning children in armed conflicts and the gender aspects, Switzerland considers the adoption of resolution 1882 (2009) to have been an important step forward. It is now necessary to consolidate efforts to ensure the effectiveness of the new provisions and to ensure the effective implementation of resolutions 1612 (2005) and 1882 (2009). In this context, Switzerland would like to recall the importance of strengthening the operational response, which it considers to be essential for ensuring the effective protection and care of children who have fallen victim to serious violations, as well as for preventing further violations.

Moreover, we cannot discuss the protection of civilians without taking into consideration resolution

1325 (2000) on women, peace and security and the resolutions that have succeeded it. These point to the need to strengthen the participation of women in peacebuilding activities, the prevention of gender-based violence, and the protection of the rights of women and girls in conflict and post-conflict situations. The principles reflected in these resolutions are relevant to the establishment of effective global strategies to protect civilians. As a general rule, the Security Council should consider the question of the protection of civilians in situations of armed conflict through systematic referral to the resolutions on women, peace and security and on children in situations of armed conflict.

Secondly, I would like to draw the Council's attention to the growing recognition within the United Nations system of the challenges posed by the protection of civilians. Of particular note is the Special Committee on Peacekeeping Operations, whose efforts produced a number of concrete recommendations last spring for improving the operational implementation of the mandates for the protection of civilians. I invite the members of the Council and the group of experts on the protection of civilians to bear these recommendations in mind in their work.

Thirdly, Switzerland wishes to underline the importance of the Security Council's appeals on all conflict parties to respect the provisions of international humanitarian, human rights and refugee law with regard to civilians in armed conflict. Non-State armed groups are very present in most of the conflicts on the Council's agenda. We must therefore continue to support efforts to ensure that non-State armed groups commit themselves to better respecting civilians in conflict zones, as well as to initiatives to record such cases. In this way, we will be able to identify new measures to ensure that non-State armed groups adhere to the existing norms. In this context, Switzerland welcomes the initiative of Geneva Call to organize, in collaboration with OCHA, a debate on this subject at the International Peace Institute in New York on 20 July.

Last but not least, combating impunity is an essential part of efforts to improve respect for the rights and needs of civilian populations. It is essential that investigations be undertaken into all alleged violations of international humanitarian law, whatever the context and whoever the alleged perpetrator. To this end, Switzerland would like to raise the possibility of calling upon the International Humanitarian Fact-Finding Commission, created under the First Additional Protocol to the Geneva Conventions.

Mr. Quinlan (Australia): Australia very much welcomes the opportunity today, especially under the Nigerian presidency, to discuss this critical issue before the Council. First, I would like to thank the Secretary-General, the High Commission for Human Rights, Ms. Pillay, and the Under-Secretary-General for Humanitarian Affairs, Sir John Holmes, for their presentations. It is essential, of course, that the Council and the United Nations system generally keep this compelling matter within its sights. I especially want to recognize the role of Under-Secretary-General Holmes in helping candidly to keep us honest about this imperative, which, of course, goes to the core of why we created the United Nations.

The presentations today remind us tellingly that the plight of civilians in modern conflict remains very dire. From the numbers of internally displaced persons to the horrifying statistics on sexual violence, it is very clear that the international community needs to do much more to ensure that innocent and vulnerable civilians in armed conflict situations are protected.

Given today's time constraints, I would like to focus my remarks on one aspect discussed in the briefings — the issue of protection of civilians in the context of peacekeeping operations. When the Council debated this issue in November last year (see S/PV.6216), there was still a wide gap in the understanding among Member States of the meaning of protection of civilians in the context of a peacekeeping operation. The development of a draft operational concept late last year in response to calls from the Special Committee on Peacekeeping Operations and the Security Council in its resolution 1894 (2009) was a significant step forward in closing that gap, although more needs to be done. This year, the Special Committee on Peacekeeping Operations subsequently requested the Secretariat to develop a strategic framework which, importantly, will contain elements and parameters for mission-specific strategies to guide senior mission leadership, to develop training modules, and to outline resource and capability requirements.

As part of Australia's own continuing engagement on this practical agenda, we have been pleased to engage with other Member States to further contribute to the efforts of peacekeepers to protect

civilians. In January, we were pleased to again partner with Uruguay in hosting a workshop here in New York to discuss the recommendations of the independent study — jointly commissioned by the Department of Peacekeeping Operations (DPKO) and the Office for the Coordination of Humanitarian Affairs — on the protection of civilians. In April, as one of 17 member countries of the Challenges Partnership, Australia hosted the third International Forum for the Challenges of Peace Operations, which examined the challenges of strengthening the protection of civilians in multidimensional peace operations. And most recently, we have been very pleased to support the United Nations Development Fund for Women, United Nations Action Against Sexual Violence and the DPKO in the development of an analytical inventory for peacekeepers to respond to conflict-related sexual violence. The inventory was launched here in New York last week.

As noted by the Joint Special Representative for the African Union-United Nations Hybrid Operation in Darfur, Mr. Gambari, at the recent General Assembly thematic debate on peacekeeping, regional organizations have a critical role to play in peacekeeping efforts. Australia has been pleased to work with the African Union (AU) to assist with the consideration of draft operational guidelines on the protection of civilians for AU peace support operations.

Despite some of the positive normative developments, which have been explained to us, to support the ability of peacekeepers to protect civilians when mandated as part of a peacekeeping operation, the deteriorating situation on the ground, which has been plainly made clear to us, means that there is still very significant work that needs to be done to ensure that what we think is a shared understanding of what the protection of civilians means actually does result in improved conditions for civilians on the ground. The drawdowns in recent peacekeeping operations have been highlighted by many speakers today. Both the Council and the host Government have critical roles to play in ensuring that civilians are protected, including during mission drawdowns.

For its part, the Council must clearly articulate its expectations of the peacekeepers it mandates to protect civilians. Peacekeepers on the ground are asking unambiguously for that clarity and that guidance, which does not necessarily mean the development of even more lengthy, detailed or intricate mandates. In turn, the development of measurable benchmarks will go a long way towards ensuring the implementation of the mandate and towards the management of expectations.

As we look to the future, we are encouraged, I have to say, by the work under way to develop a strategic framework and the mission-wide strategies, which is a marked improvement on the tools available to implement protection of civilian mandates a decade ago. But we must not lose sight of the reality that those developments will be of very limited value without direction from the Security Council itself and without the support of Member States to ensure that all those involved in the formulation, development and implementation of peacekeeping operations that have protection of civilians mandates have the guidance, the training and the resources necessary to ensure that peacekeeping lives up to the expectations that all of us here share.

To conclude, peacekeeping is one tool to improve the lives of civilians affected by conflict on the ground, and peacekeeping missions obviously have a very special responsibility for the physical protection of civilians. It is therefore critical that we continue to support those endeavours and, frankly, do a better job in doing that.

The President: I give the floor to the representative of Bangladesh.

Mr. Mahmood (Bangladesh): Let me begin by congratulating Nigeria on its assumption of the presidency of the Security Council for the month of July. I thank you, Madam President, for convening this important meeting. Allow me also to express our sincere thanks to the Secretary-General for his insightful briefing this morning. My delegation also commends the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes, and the High Commissioner for Human Rights, Ms. Navanethem Pillay, for their comprehensive briefings this morning.

Civilians continue to suffer the brunt of violence during armed conflicts. Civilians are displaced from their homes and are often denied access to life-saving food, medicine and shelter. It is against this backdrop that the States Members of the United Nations pledged in the Millennium Declaration "[t]o expand and

strengthen the protection of civilians in complex emergencies" (*resolution 55/2, para. 26*).

Protection for civilians is a basic principle of humanitarian law. Civilians not taking part in the fighting must on no account be attacked and must be spared and protected. The 1949 Geneva Conventions and their 1977 Additional Protocols contain specific rules designed to protect civilians. In situations that are not covered by these treaties, in particular internal disturbances, civilians are protected by the fundamental principles of humanitarian law and human rights law.

The Council has been discussing this important issue for more than a decade and has adopted many resolutions and heard strong and relevant statements by distinguished representatives. However, ironically, a large number of civilians continue to be exposed to the atrocities of conflict. My delegation urges all parties to conflicts to ensure the protection of the lives and property of civilians. My delegation condemns all violations of international humanitarian and human rights law and stresses the need to combat impunity, safeguard access for humanitarian assistance, and protect the safety of humanitarian aid workers.

Peacekeeping operations are one of the most important tools available to the United Nations to protect civilians in armed conflict. The Security Council's thematic resolution 1894 (2009), the updated aide-memoire (see S/PRST/2009/1, annex) and the inclusion of protection activities in the mandates of United Nations peacekeeping missions have been important steps forward. However, at the same time, the gap between the words of the protection mandates and their actual implementation persists. In this regard, my delegation would like to re-emphasize the importance of the principle of the responsibility to protect, as endorsed in the 2005 World Summit Outcome Final Document (resolution 60/1) in preventing harm to civilians in armed conflict.

The vulnerable situation of civilians in post-conflict societies needs special attention. Long after the guns have fallen silent, such people remain traumatized and permanently scarred by the brutalities of war. If peace is to be sustained, they must be rehabilitated and reintegrated into their communities more effectively, and the perpetrators must bear the resultant cost.

The presence of uniformed female personnel may play a pivotal role in protecting civilians in armed conflict. I take this opportunity to refer to the efforts of the all-female Bangladeshi police contingent working in the peacekeeping mission in Haiti. We believe that a female police force could also play a critical role in a State's ability to protect its citizens.

Finally, we would like to mention what my delegation considers to be two overarching themes for the protection of civilians in armed conflict. The first relates to prevention and the building of a culture of peace. Prevention is at the heart of protection. The preventive capacity of the Organization must be enhanced. At the same time, Member States need to take steps to inculcate the values of peace, tolerance and harmony that contribute to long-term prevention.

The second theme is that of coordination among all stakeholders. We believe that the protection of civilians is the primary justification for a United Nations presence in the field. However, despite some improvements, various political, humanitarian, military and development components of United Nations missions in the field still lack an integrated focus on the protection of civilians. My delegation stresses effective coordination, particularly among the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the Department of Peacekeeping Operations and the Department of Political Affairs.

In conclusion, my delegation expresses its grave concern over violations and breaches of international law, including international humanitarian law. For example, the total disregard and rejection of humanitarian and international law and values being committed in particular by occupation forces in the occupied territories of Palestine for years are a disgrace to humanity. My delegation strongly urges the international community, particularly the Council, to take effective steps to ensure respect for and compliance with the Geneva Conventions in such situations.

The President: I now give the floor to the representative of Peru.

Mr. Gutiérrez (Peru) (*spoke in Spanish*): Allow me first of all, Madam President, to express my delegation's profound gratification at seeing you preside over the Security Council this month. I should also like to thank you for having promoted the

convening of this open debate, and to express the Peruvian delegation's appreciation to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, and Ms. Pillay, High Commissioner for Human Rights, for their comprehensive briefings on the topic that brings us together today for this open debate in the Council.

For 11 years, the Security Council has been seized of the matter of protection of civilians in armed conflict. In that time, important progress has been made, such as the establishment of the Security Council group of experts on the protection of civilians, whose contributions have been reflected in numerous Council resolutions. We have also seen the adoption of important resolutions and presidential statements that have had an impact on matters of primary concern in the realm of the protection of civilians in contemporary conflicts.

While such progress is an important starting point, its value is relative if it is not manifested in tangible improvements in the protection of civilians on the ground. We believe it important to continue to strengthen the necessary interaction between the Office for the Coordination of Humanitarian Affairs and the Security Council. We also believe it essential to fully implement resolutions 1296 (2000) and 1674 (2006), which define the essence of this debate, which is the responsibility of all Member States to protect civilian populations in armed conflict.

Along these lines, we believe it necessary, based on the Secretary-General's report A/63/677 on the implementation of the responsibility to protect — which recognizes the principal role of States in protecting their populations from, among others, war crimes — that we continue to focus on pillars one and two: the responsibility to protect incumbent on States; and international assistance and capacity-building.

Also, in its resolution 63/125, entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts", the General Assembly affirmed the need for more effective implementation of international humanitarian law. We hope that the discussions held in the Sixth Committee at the sixty-fifth session of the General Assembly will promote substantive progress that ensures the full implementation of international humanitarian law.

Peru firmly supports programmes and policies that promote the prevention of violence, and in particular those that protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, as well as other forms of violence that arise in armed conflict. In this context, we insist on the need for the full implementation of resolution 1325 (2000) to ensure that serious cases of rape and other sexual violence do not go unpunished. We consider it a priority that States assume the responsibility to ensure that justice is served and that responsible parties are punished, as part of a central focus on national reconciliation that all should emphasize.

I would like to underline that Peru is party to the Rome Statute of the International Criminal Court, which establishes in its articles 5 and 9 the Court's jurisdiction to judge war crimes in international and domestic armed conflicts. In that respect, Peru has complied with the requirement to incorporate into its domestic legislation measures for cooperation with the Court in order to ensure that responsible parties are effectively tried. I further wish to underscore that at the Review Conference of the Rome Statute in Kampala, Peru, together with the Netherlands, coordinated the process of presenting pledges to strengthen States' commitment to the fight against impunity and the principles and purposes of the Rome Statute.

Peru reiterates its firm support for the promotion of respect for international humanitarian law and efforts to encourage compliance by all parties to armed conflict, in particular non-State armed groups. We also believe that civilian protection must be strengthened in order to make peacekeeping operations and other missions more effective. In this context, I would like to highlight that my country is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Times of War and to the Additional Protocols on the protection of victims of international and non-international conflicts, which together form the cornerstone of international humanitarian law in the area of protecting civilians. In that regard, we call on all States that are not yet parties to these instruments to accede to them as soon as possible.

Furthermore, at the Thirtieth International Conference of the Red Cross and Red Crescent, Peru made a series of pledges relating to the effective implementation of international humanitarian law and the protection of civilians in armed conflict and other situations of armed violence. Allow me to note a number of the efforts of the International Committee of

the Red Cross in its difficult task of disseminating international humanitarian law and protecting civilian populations in armed conflicts. These efforts include such events as the annual seminar for officials accredited by the United Nations, which is an important tool in this undertaking.

Regarding access to humanitarian assistance in armed conflict, my delegation is convinced that parties to a conflict and third-party countries should strictly comply with their obligations to allow and facilitate the rapid and unhindered transit of shipments, equipment and rescue personnel, and to encourage States to foster respect for basic humanitarian principles. We are convinced that concrete actions would give new momentum to the protection of civilians in armed conflicts.

Finally, we must recognize that if we are to strengthen the protection of civilians in post-conflict situations, we must initiate resolute actions to rebuild and then strengthen institutions and the rule of law in affected countries, and stabilize economic conditions through development strategies. Those would be crucial steps towards consolidating any comprehensive effort for peace and development that would serve to effectively combat poverty and social exclusion — problems that are often at the heart of the internal armed conflicts that we strive to prevent. As a member of the Peacebuilding Commission, my country has been contributing to achieving that goal.

The President: I call on the representative of Pakistan.

Mr. Haroon (Pakistan): Please accept my felicitations, Madam President, on your assumption of your very important office and for your able stewardship in convening this very important debate.

We have carefully listened to the briefings of the Secretary-General and Mr. John Holmes, the Under-Secretary-General heading the Office for the Coordination of Humanitarian Affairs (OCHA). We bid him a fond farewell and commend the very good work he has done in his tenure. It is a thankless job. Of course, we wish him the very best in his next appointment. I also wish to thank Ms. Navanethem Pillay, High Commissioner for Human Rights.

At the outset, let me state unequivocally that the Government of Pakistan condemns attacks on civilians under all circumstances. It is indeed an abominable act that cannot be justified under any circumstances. That was rightfully reflected in Mr. John Holmes' submissions.

Pakistan is very proud of being one of the largest troop-contributing countries to United Nations peacekeeping missions and is fully engaged in this important debate on the protection of civilians in armed conflict. However, there have been some references made that are perhaps somewhat out of context and might have been better viewed in perspective, as I shall explain in a while.

As we debate the subject of the protection of civilians in armed conflict, we understand, or should understand, that this is not a debate on the protection of civilians in all situations. There are some strict applications and criteria. Perhaps we should have heard more mention of parts of the world where innocent people continue to suffer because of their inability to exercise their right to self-determination and the lack of judicial succour. Maybe the mention of the attack on the humanitarian flotilla in international waters off the coast of Gaza, which was an act of wilful intent, and the continuing violations in Palestine could have been portrayed a little better. But as far as we are concerned, we have the very difficult task of eliminating the scourge of international terrorism from our territories and of protecting not only ourselves but the world.

I think that the two comments made about Pakistan — one on the aspect of thousands of civilian conflict dead, where we are bunched together with Gaza, Sri Lanka, the Democratic Republic of the Congo, Afghanistan and Somalia; and the other on the 1.8 million displaced people in Pakistan, although it has been stated quite clearly that many have since returned — need a little more explanation.

First, the world is calling upon us all the time to take on international terrorism in the boundary regions so widely mentioned in the document before me. We have to go along with the international community. But I think that document rightly says that, whereas in Swat and in South Waziristan there were at one stage nearly 1.8 million people displaced, they were not in fact displaced. They were asked to leave the areas before our militaries moved in with complete international backing to rid the areas of the miscreants creating world terror. The fact is that they went out voluntarily and that OCHA did a really good job in looking after them, as did many other institutions and

the Government of Pakistan. Less than a few hundred thousand were actually in camps set up by OCHA; the others were in fact looked after by our own people and the Government. The fact that they went back at such a fast rate is perhaps a reflection of the fact that they were kept out of harm's way. They could have suffered awfully, but we brought them out despite the fact that our doing so perhaps gave a lot of leeway for the terrorists to slip away. But we took that option because it was the right one. We had to protect our people. By the grace of God, we have been able to see a lot of them back in the various parts from which they came. In my mind, that is vindication that we have tried our level best and succeeded in keeping civilians out of harm's way.

Pakistan is a functioning democracy with a very strong, rejuvenated judiciary that is pursuing *suo moto* any contradiction of humanitarian acts or matters in a very activist manner. That is being done at the highest possible forums, even up to the supreme judiciary level. We are determined to achieve the protection and promotion of the human rights of all our citizens. That objective has the fullest support not only of our people, but also of the international community.

We are very concerned about attacks on humanitarian actors, and we are committed and continue to provide all possible protection and security to humanitarian actors working in Pakistan. We have often succeeded in retrieving those who were kidnapped. Many hundreds of our own security personnel have given their lives to protect humanitarian actors. I cannot underscore that more strongly than I am doing now.

Let us not underestimate our constraints, of which the Council is aware, or let our will and sacrifice be undermined by being included in dissimilar country groupings. We have our own particular situation. Obviously, we ask for the Council's indulgence and understanding. But believe me, as far as we are concerned, we will do anything to protect our civilians, and yet relentlessly pursue all those who try to make the world an unsafe place.

The President: I give the floor to the representative of Norway.

Mr. Michelsen (Norway): We appreciate this opportunity to take the floor on the protection of civilians in armed conflicts, and we thank Nigeria for organizing this debate. We also thank the Secretary-General, Under-Secretary-General Holmes and High Commissioner Pillay for their informative briefings. We echo previous speakers in expressing appreciation for the work of Emergency Relief Coordinator John Holmes over the past three and a half years, and we commend him for his unstinting efforts during his tenure.

Over the past 10 years, the United Nations, including the Security Council, has succeeded in raising awareness on the need for enhanced protection of civilians. Through these efforts, new humanitarian normative standards have been developed and the protection of civilians is now quite rightly seen as an integral part of our common security agenda. Nonetheless, we are seeing a continuing increase in violations of international humanitarian law. In too many conflicts, we are witnessing an erosion of the protection that civilians are entitled to under international humanitarian law, and we are observing a widening of the definition of legitimate targets and a too-liberal interpretation of the rule of proportionality. Furthermore, we are witnessing deliberate attacks on civilians, as well as armed non-State actors using methods that run counter to international humanitarian law.

The landmark adoption of resolution 1894 (2009) last November reaffirmed the Council's commitment to the protection of civilians. I would like to make four points in this regard.

First, on the application of international humanitarian law, recent conflicts, such as those in Gaza and Sri Lanka, are characterized by unacceptably high numbers of civilian victims and widespread destruction of civilian infrastructure. There is now an urgent need to work towards greater respect for international humanitarian law, including through the Security Council. In particular, there is a need for an open and frank discussion on how the law should be implemented in order to provide adequate protection for civilians affected by armed conflict. Norway, together with France and the International Committee of the Red Cross, have initiated a process to facilitate such a discussion with the aim of strengthening the implementation of international human rights law in today's armed conflicts.

Secondly, on the protection of children in armed conflict, Norway welcomes the Security Council's development of an increasingly strong protection

framework for children in armed conflict, most recently through its resolution 1882 (2009). Such a framework is key to the protection of civilians and to strengthening the rule of law in conflict situations. Still, the lack of decisive action against persistent perpetrators, as well as accountability measures to fight impunity, continue to limit the effectiveness of those efforts.

Norway is encouraged by the Security Council's expressed readiness to impose targeted measures against persistent violators of international law who recruit, sexually abuse, maim and kill children in war. We support the Secretary-General's proposals to include the recruitment and use of child soldiers in the mandate of all sanctions committees and to improve the flow of information between the Working Group on Children and Armed Conflict and the relevant sanctions committees.

Thirdly, on the protection of women and armed conflict, it is of particular concern that women continue to be targets of sexual violence in conflict, as stressed in previous speakers' references to the Democratic Republic of the Congo. Our top priority must be to end the vicious cycle of impunity. We must therefore provide justice for survivors, punishment for perpetrators and effective deterrence for the future. For war-affected women, justice delayed is more than justice denied — it is terror continued.

Abuses against women tend to continue unchecked when they are not properly dealt with during peace negotiations and in post-conflict situations. We must thus continue to enhance women's active participation in conflict resolution, peace processes and peacebuilding.

Norway builds civilian peacekeeping capacity in Africa, together with our African partners. In our experience, a field-based approach, innovative use of existing resources, and local support and ownership are necessary elements in strategies to protect civilians in mission areas. We welcome the practical inventory launched by the United Nations Action Against Sexual Violence in Conflict and the Department of Peacekeeping Operations (DPKO) on 30 June, entitled "Addressing Conflict-Related Sexual Violence — An Analytical Inventory of Peacekeeping Practice". This document captures best practices and represents the first-ever review of efforts by uniformed peacekeepers to prevent, deter and respond to widespread and systematic sexual violence.

Finally, on punitive measures, Norway stands ready to support efforts to increase accountability. Warfare conducted in violation of international humanitarian law should carry a strong political stigma. We support work currently undertaken by DPKO to develop guidelines for investigating sexual and gender-based violence in United Nations mission areas. Effective investigation, prosecution and punishment are key elements of broader efforts to end impunity for such crimes.

We look forward to the Secretary-General's report on the protection of civilians in November, and we sincerely hope that it will show progress on the implementation of resolution 1894 (2009).

The President: I give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): I congratulate you, Madam President, on your assumption of the presidency of the Security Council and wish you every success in executing your tasks.

The debate on the protection of civilians in armed conflict continues to evoke concern and controversy. The Bolivarian Republic of Venezuela believes that the State bears or should bear the primary responsibility for the protection of civilians and the prevention of violations of human rights or humanitarian law during armed conflict that should be condemned in all instances.

I wish briefly to refer to the protection of civilians in armed conflict in the framework of peacekeeping operations and their mandates. The consent of the parties, impartiality and the non-use of force are guiding principles for such operations and must be preserved. On other occasions, we have insisted that any strategy for protecting civilians must systematically address the causes that led to a conflict, including discrimination, poverty, injustice and a lack of channels for the peaceful settlement of disputes.

A functional political system founded on social justice, dialogue and coexistence is very important to conflict prevention. Under the Fourth Geneva Convention, the State or parties to the conflict has or have the primary responsibility of protecting civilians. The responsibility of peacekeeping operations is

limited to specific and limited occasions when it becomes necessary to protect the physical safety of civilians when there is a real danger of loss of life, and always in the context of a deployed mission or when humanitarian assistance is needed.

However, based on recent experiences, international interventions in such cases are of increasing concern. Discrepancies persist in the manner, timing and advisability of undertaking military interventions, and in identifying who is authorized to undertake them.

Great world Powers have sought to invoke seemingly noble concepts for political or military interventionist actions that undermine sovereignty. For that reason, the concept of the responsibility to protect has not attained the consensus necessary to become an instrument for the protection of civilians in armed conflict. In some cases, certain States may be accused of violating human rights, whereas world Powers may undertake actions leading to coups, territorial splintering and social and economic crises. The fact that a domestic conflict has been created or stimulated from beyond its borders is obfuscated.

Those who create and encourage such crises are the ones who must be condemned and punished. Not infrequently — and history provides plenty of examples — an international intervention ends up supporting those who breach and violate human rights. Foreign interventions thereby undermine the sovereignty of States. At other times, conflict situations are ignored if it does not suit transnational interests to provide international solidarity, as the State violating human rights acts as the intermediary for those interests. Some Powers brandish rhetoric of humanitarianism and human rights, but they undermine and distort the true nature of those rights. The case of Iraq is emblematic of that.

In recent decades, we have seen a succession of various concepts and categories that tend towards neo-colonial domination. We understand the reasons why many countries of the South would identify with a concept such as the responsibility to protect, for instance. We understand their concerns, since international solidarity is essential. But international solidarity is one thing and intervention in order to dominate is another. We must show a common front for solidarity and unite to reject intervention that oppresses peoples. We must reject the concept of the responsibility to protect, for it disguises the violation of sovereignty in order to promote neo-colonial interests.

When it comes to providing support to a people, there is near unanimity as to the serious violation of human rights and international humanitarian law by the State of Israel through its occupation of Gaza. Why do we not then protect the Palestinian people and decisively help them to become a sovereign State?

The financial leadership that currently governs the world is predicated on increased military expenditures, financial speculation and economic policies that foster the recessive trends being experienced throughout the world. That crushing reality produces wars and poverty and the destruction of the planet and of sovereignty, human rights and democratic systems. That is the basic cause of conflicts. It is up to the United Nations to consistently implement, for the benefit of peoples and not the interests of the powerful, the Charter and the other legal instruments and resolutions that sovereign States have established through the years for the good of humankind and the planet.

The President: I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): Allow me to congratulate you, Madam President, on Nigeria's assumption of the presidency of the Security Council for this month and to commend the delegation of Mexico for its outstanding efforts during its presidency of the Council last month.

I also wish to express our gratitude to the Council for convening this meeting on the protection of civilians in armed conflict, in particular at such a critical time of unprecedented violations of the rights of the Palestinian people in general, and in particular those in the Gaza Strip. Those violations stem from Israel's barbaric aggression, which includes the ongoing blockade of Gaza, preventing the arrival of humanitarian assistance for civilians and attacks on ships and international peace activists transporting that aid.

Before I continue with my statement, I would like to thank Under-Secretary-General Sir John Holmes of the Office for the Coordination of Humanitarian Affairs for his efforts to implement international humanitarian

law at a time when serious crises hampered that goal in various regions of the world.

The awakening of the human conscience in sympathy for civilian suffering resulted in legal developments that led to the establishment of the United Nations and various international instruments aimed at stopping and preventing war, ending foreign occupation and promoting the use of law to resolve international disputes and address the protection of civilians in armed conflict. First among those was the Geneva Convention relative to the Protection of Civilian Persons in Time of War, followed by a number of Security Council resolutions.

Despite those developments, we continue to see situations on the ground that uphold double standards — often in defence of the violation of international humanitarian law instead of protecting it. In fact, the gap between the letter of the law and its application on the ground is increasingly widening.

We are concerned by the fact that some statements by representatives of Member States in connection with deliberations on the protection of civilians in conflict situations at times display a selective understanding of the issue that is contrary to the provisions of international humanitarian law. We are also concerned by the fact that some seek to transform the suffering of civilians in certain areas of armed conflict merely into a contentious academic debate. That does not help to alleviate the suffering of civilians.

I would like here to raise some of the same questions that many other Member States have asked. Are not the 12,000 prisoners held in Israeli jails civilians? Are not the Syrian inhabitants of the occupied Golan Heights civilians? Are not the more than 500 killed and injured as a result of Israeli mines planted in the occupied Golan Heights civilians? Do they not deserve protection? Are not those who daily face the most severe violations of their rights in the occupied Arab territories civilians? Are not the children, women and older persons who are deprived of more than 7,000 basic commodities, including chocolate, mayonnaise and other necessities, civilians? And not the people of occupied Jerusalem, whom the Israeli occupying authorities are daily expelling from their houses and their occupied city, civilians?

Were not the Lebanese who were killed by Israeli forces while seeking protection in United Nations facilities in Qana in 1996 civilians? Were those civilians launching rockets against Israel as they sought refuge in the United Nations compound? Or were United Nations forces in Qana and Gaza using those civilians as human shields? The same questions could be asked with regard to Palestinian civilians who were killed by attacking Israeli forces in Gaza during the aggression of 2008 and 2009 as they sought shelter in the schools of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in the Gaza Strip.

The Security Council adopted resolution 1894 (2009) on the occasion of the tenth anniversary of the Council's consideration of the issue of the protection of civilians in armed conflict, and two years after the Israeli aggression against the Gaza Strip and its civilian population. Since the adoption of that resolution, with which the Council has systematically dealt with on a daily basis, the Israeli aggression against the rights of civilians in Gaza has continued.

Those violations are in evidence in the blockade and in the hunger and injustice that prevail there. To date, the United Nations as a whole, including the Council, has failed to ensure the entry of basic materials necessary to rebuild UNRWA schools destroyed by Israel, in spite of the fact that resolution 1894 (2009) urged the parties to take all necessary measures to respect the rights of civilians, protect them and provide for their basic needs.

In addition to continuing to refuse to comply with that and previous resolutions, Israel is also continuing its aggressive policies against Palestinian civilians. Those include the blockade, the closing of crossing points, detentions, denial of the freedom of movement, refusing to allow students to receive medical treatment and obstacles to the flow of international assistance, not to mention the deplorable conditions of civilians in the West Bank and the Golan Heights.

Israel's actions have even affected humanitarian activists of various nationalities from the freedom flotilla, who attempted to provide assistance to the people of Gaza. Israel confronted the flotilla with acts of aggression that led to the death of nine civilians, who were only guilty of trying to provide medical and humanitarian assistance to people subjected to a blockade. All the requests, resolutions and international calls have failed to alleviate their suffering.

We do not know how much longer we can turn a blind eye to Israel's inhuman actions, which constitute a unique case of systematic wholesale violation of every principle, norm and law enshrined in international agreements. The United Nations Fact-Finding Mission on the Gaza Conflict, headed by Justice Richard Goldstone, has in its two reports provided compelling evidence of Israel's violation of the Universal Declaration of Human Rights and international humanitarian law during its aggression on Gaza. As described by Justice Goldstone himself, those violations could be considered as war crimes and crimes against humanity.

We wonder about the Council's response to all the facts contained in an international report accepted by the Human Rights Council and the relevant United Nations agencies, as well as about its response to the hundreds of reports and conclusions by other international fact-finding commissions and Special Rapporteurs, such as Richard Falk, Jean Ziegler and John Dugard, among others.

The same war crimes committed by Israel against Palestinians have also been committed against the Syrian people of the occupied Golan Heights. They are therefore dual crimes, and the Council should deal with them appropriately. We say they are dual because, as we all know, Israel annexed the occupied Syrian Golan Heights and Jerusalem despite the existence of two Council resolutions condemning that annexation and requesting Israel to abolish all legislation imposed on the two occupied territories.

Israel is continuing its oppression of the civilian Syrian population of the occupied Syrian Golan, detaining them in prisons without any legal grounds and in violation of all legal and moral principles. In essence, they have been placed under house arrest. For example, house arrest was imposed for years against Fahd Shokir, a two-year-old child, under the pretext that he had been born outside Israeli territory while his parents were studying in Syria.

In order to give credibility to this debate, Syria calls upon the Council to compel Israel to allow without delay the resumption of visits by Syrian citizens to residents of the occupied Syrian Golan through the Quneitra crossing. We have addressed messages in that regard to the Secretary-General, the President of the Security Council, the President of the General Assembly and the relevant international Governmental and non-governmental organizations. We hope that they will translate into deeds the statements that we have heard during this and other meetings. Will the Security Council move from debate and declarations to committing itself to the implementation of its promises and resolutions? That is the question with which I wish to conclude my statement.

The President: I now give the floor to the representative of Colombia.

Ms. Blum (Colombia) (*spoke in Spanish*): Allow me to congratulate you, Madam President, for your work as President of the Security Council for this month, as well as to express our appreciation for the convening of this debate. We are grateful for the briefings made by the Under-Secretary-General for Humanitarian Affairs and the High Commissioner for Human Rights. My delegation would also like to express special appreciation to Under-Secretary-General John Holmes upon the end of his tenure to strengthen the humanitarian work of the United Nations.

The establishment of more concrete conditions for the protection of civilians and the enjoyment of theirs rights in the face of the violence committed by illegal armed groups is a priority for Colombia. The Government of my country has concentrated its efforts in reinforcing and ensuring the rule of law throughout our territory by implementing our democratic security policy. After eight years of implementation of that policy, we can assert that we have helped to reduce the gap between the formal recognition of rights and their effective implementation.

Strengthening democratic authority and State control over its territory have resulted in a dramatic reduction of all acts of violence and crime that deprive citizens of the enjoyment of their rights. In addition to those efforts, we have put in place a comprehensive policy on human rights and international humanitarian law, which includes effective preventive measures and ensures appropriate penalties in case of possible violations, including those involving members of the public security forces. An essential component of that effort by the Colombian Government has been the collective and individual demobilization of 51,407 members of illegal armed groups since 2002. That process, embodied in special legislation, has allowed

for the implementation of principles of justice, truth and redress for victims.

Assistance to displaced persons continues to be one of the areas requiring greater attention from the Colombian State, and it poses ongoing challenges. To address them adequately, we have a legal and institutional framework and a comprehensive care policy for displaced persons, including humanitarian approaches to rights and social and economic integration. The allocation of resources to this policy significantly increased from 2007 to 2010, reaching annual averages of over $500 million from the national budget.

This framework has been strengthened recently, given the needs on the ground and its established objectives. To this end, modifications were made to the policy components of prevention and protection; comprehensive assistance; truth, justice and redress; and the return or resettlement of displaced persons. The implementation of public policies in this area takes due account of the different needs of people according to gender, ethnicity, age or disability. We have also designed mechanisms to ensure the effective participation of the displaced population through the adjustment, restatement or enhancement of public policies. Additionally, efforts have been made to coordinate programmes defined at the national level with those carried out by regional authorities at the local level, seeking to ensure that the regions adopt and coordinate the necessary measures in terms of budget and institutional capacity to assist the displaced population.

Colombia reaffirms its commitment to the Cartagena Action Plan adopted at the second Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction in December 2009. My country has undertaken a high-level presidential programme that coordinates and supervises the activities of the institutions responsible for implementing the Ottawa Convention.

The Colombian population has experienced the dire consequences of anti-personnel mines planted by illegal armed groups. The Government is working intensively on prevention and humanitarian demining. It also supports the affected communities through the recovery of productive lands, the return of their inhabitants, the reconstruction of the public services network, and physical and psychological rehabilitation aimed at facilitating the full social and economic reintegration of the victims.

Colombia reaffirms its support for efforts to protect civilians and ensure their rights, in conformity with the Charter of the United Nations and international legal norms. The activities of the Government of Colombia are guided by the essential premise that the primary responsibility for the protection of civilians rests with each State. Consequently, each State may turn to international support when necessary. In this context, the United Nations and the international community in general have a supporting role to play in the strengthening of national protection efforts.

My delegation wishes to stress the importance for the humanitarian system, in observing the principles that govern its actions, to avoid circumstances that could compromise the neutrality, impartiality and independence of its work. These principles are of particular significance in the case of possible contact of humanitarian actors with illegal armed groups. The recommendations concerning such contact must take national contexts into account when their viability is assessed on a case by case basis, taking fully into account the decisions of the democratically established authorities.

The Government of Colombia reiterates the commitment of its democratic institutions in consolidating the protection of the population against the actions of illegal armed groups. We reiterate our call on the international community to vigorously condemn the crimes committed by these violent groups against Colombians.

The President: I give the floor to the representative of the United Republic of Tanzania.

Mr. Seruhere (United Republic of Tanzania): I thank you, Madam, for convening this meeting on the protection of civilians in armed conflict. We thank the Secretary-General for his statement and Under-Secretary-General John Holmes and High Commissioner for Human Rights Navanethem Pillay for their briefings. We wish Mr. Holmes every success in his new endeavours.

We associate ourselves with the statement of Uganda in the spirit of the East African Community

and the Pact on Security, Stability and Development in the Great Lakes Region, both of which are keenly focused on protecting civilians in armed conflicts.

The United Republic of Tanzania is profoundly committed to the protection of civilians in armed conflicts. We consider the protection of civilians in armed conflicts to be a fundamental human right and critical to the legitimacy and credibility of any United Nations peacekeeping mission. This subject has been on the United Nations agenda for over 10 years ever since the Security Council got engaged in the protection of civilians in armed conflicts. We commend the Council for the achievements made so far in that regard, especially with the adoption of resolutions 1265 (1999) and 1296 (2000) and, most recently, resolution 1894 (2009).

Across the globe, we have seen violence and mass atrocities against helpless civilians who had hitherto placed all hope and trust for their protection in the United Nations, but in several cases never got it, as was witnessed in the Rwandan genocide of 1994, in the case of Bosnia and Herzegovina in 1995, and in the present Somalia, to mention but a few. In that regard and especially in conflict situations, it is and should be an absolute requirement for all actors and stakeholders — from the State to civil society, from belligerents to humanitarian organizations and from armed personnel to unarmed partisans — to work with the United Nations in the protection of civilians. No one should be allowed to shirk the responsibility to protect civilians in armed conflict, but since the United Nations was created and entrusted with the primary responsibility for the maintenance of international peace and security, it bears perhaps the greatest responsibility.

Armed conflicts and terrorism not only violate universal freedoms, but also cause insecurity to human society and instability to States. Above all, they retard the advancement of human civilizations and undermine the various initiatives for bringing prosperity through the United Nations and country partnerships. The United Nations and the international community cannot assist countries in attaining the Millennium Development Goals when armed conflicts and terrorism strike at will.

Only yesterday, the sovereign of the United Kingdom of Great Britain and Northern Ireland, Her Majesty Queen Elizabeth II, reminded the United Nations community that since the United Nations was created, prosperity and changes in human and social behaviour, as well as advances in technology, have arisen because the people wanted them. Well, they still want them. The Queen asked the United Nations to take leadership, not only to fight terrorism and climate change but also with more enthusiasm, inspiration and greater determination to bring peace, security, stability and prosperity to all of us. The protection of civilians in armed conflicts is indispensable if that is to happen.

The United Nations remains the lead agent for civilian protection and change, so the Security Council must provide the catalyst on a continuous basis with commitment and impartiality. In the same vein, donor nations and the international community must not shy away from their responsibility to support the attainment of global peace, security and prosperity through the protection of civilians, who are the producers of real wealth. In so doing, regional and subregional organizations and non-State actors should be brought on board to participate as stakeholders.

Recent United Nations-sponsored studies have shown that not all peacekeeping missions include the component of civilian protection in their mandates. However, that is very crucial if confidence-building measures are to succeed and if civilians are to be effectively involved in post-conflict reconstruction activities.

In that regard, two imperatives emerge. First, mandates for peacekeeping missions have to be reassessed with a view to including a mandatory provision to protect civilians and to spelling out benchmarks for its fulfilment. Secondly, as a rule of thumb and a matter of principle, the planning of missions by the Secretariat should, from its inception, involve troop-contributing countries and, where necessary, other actors and stakeholders to specifically cater for the protection of civilians, taking into consideration their interests and strategies, but without violating the sovereign rights of host nations.

The President: I now give the floor to the representative of Sierra Leone.

Mr. Kamara (Sierra Leone): My delegation wishes to pay special tribute to you, Madam President, for organizing this open debate of the Security Council to discuss the protection of civilians in armed conflict. I would also like to express our deep appreciation to the Secretary-General, Under-Secretary-General John

Holmes and High Commissioner Pillay for their perceptive remarks.

Sierra Leone welcomes this open debate on the protection of civilians in armed conflict, which has become one of the most valuable and indispensable tools available to the Security Council in addressing conflict challenges. The significance of this discussion cannot be overemphasized, but it is particularly important given that Africa is still home to a number of conflicts, making the challenges so real.

I would like to explicitly stress the nexus between the protection of civilians and transitional justice, especially when occasioned by default in the context of armed conflict, as the nature of war keeps changing, with conflicts increasingly interrelated, involving non-State actors and including the deliberate targeting of civilians.

It is important from the outset to recognize the significant strides made by the United Nations in addressing the immense challenges confronting the protection of civilians and the adoption of resolution 1894 (2009) of 11 November 2009 following a comprehensive review. Broadly speaking, those challenges include measures that can be taken to protect the safety, dignity, integrity and sanctity of all civilians in times of war, which are rooted in obligations under international humanitarian, refugee and human rights law. International humanitarian law lays down the minimum protection and standards applicable in a situation where people are most vulnerable in armed conflict. It aims to prevent situations that might exacerbate vulnerabilities, such as displacement and the destruction of civilian property.

On the specific question of mandates, I would like to preface our intervention by comprehensively looking at the situation in my country immediately following the United Nations troop hostage crisis in the eastern part of Sierra Leone. The initial mandate of the United Nations Mission in Sierra Leone was changed in 2000 to include, among other functions, assisting in monitoring respect for international humanitarian law, including at disarmament and demobilization sites, emergency relief and the repatriation of internally displaced persons and refugees.

Security and geopolitical situation during that period in Sierra Leone posed a very serious challenge to the concept of the protection of civilians. The atrocities committed by the warring factions accelerated the deployment of one of the largest peacekeeping forces in the history of the United Nations. That was necessary to protect civilians, who were left at the mercy of the rebels and their cohorts.

The new mandate also included the provision of security in and around disarmament and demobilization areas and facilitating the free flow of people, goods and humanitarian assistance. Although the mandate succinctly talked about the protection of civilians under imminent threat of danger, it did not specify how it should be done. Therefore, a mandate has to be very clear so as to leave no ambiguity. Today, most peacekeeping operations have the protection of civilians entrenched in the mandates given by the Security Council.

In his last report (S/2009/277), the Secretary-General urged compliance with international humanitarian law and human rights law, as well as international and domestic criminal law, by States and non-State actors alike. The provisions of international human rights law also demand that all belligerent groups respect the distinction between combatants and non-combatants, attack only military targets and use only the degree of violence proportionate to their military requirement, while taking due care to protect civilians and civilian infrastructure. Regrettably, the practices of warring factions lag well behind the legal requirements and the global culture of the protection of civilians.

The rational dimension of the protection of civilians is critical to the attainment of lasting peace. The Truth and Reconciliation Commission, the Special Court for Sierra Leone and other tribunals were established as instruments to combat impunity, thus holding responsible parties and individuals to account for serious violations, especially those considered to bear the greatest responsibility for violations of international humanitarian law.

Despite the systematic efforts made within the United Nations system to find ways to streamline and improve peacekeeping operations in tandem with the protection of civilians, there are still inherent challenges related to ambiguity over how the United Nations should intervene when its Members lack either the military force or, in some cases, the political will to halt all forms of carnage. Ultimately, the end-state objective of a peacekeeping operation should include protection mandates to help create an enabling

environment for the host nation to exercise absolute control in protecting its citizens.

Judging from my country's recent past, I would like to conclude by reaffirming Sierra Leone's interest in and commitment to addressing the challenges affecting the protection of civilians in armed conflict.

The President: I now give the floor to the representative of Azerbaijan.

Mr. Mehdiyev (Azerbaijan): At the outset, I would like to thank you, Madam President, for organizing this timely and important debate on the protection of civilians in armed conflict, and Under-Secretary-General for Humanitarian Affairs John Holmes for his presentation on the matter.

Azerbaijan aligns itself with the statement delivered today on behalf of the European Union. I would like to make a few additional remarks in our national capacity.

The engagement of the Security Council, including its adoption of resolution 1894 (2009), as well as resolutions on women and children in armed conflict, has increased attention to protection issues. Azerbaijan recognizes and welcomes the important implementation steps taken since the adoption of resolution 1894 (2009).

At the same time, civilians continue to suffer from inadequate protection in situations of armed conflict. A defining feature of most, if not all, conflicts is still the failure of parties to respect and ensure respect for their legal obligations to protect civilians. The heightened vulnerability of civilian populations in wartime — in particular forcibly displaced persons, refugees, women and children — brings an element of urgency to our efforts. In that regard, insistent measures aimed at ensuring strict compliance by parties to armed conflict with their obligations under international humanitarian, human rights and refugee law remain crucial and must constitute an absolute priority.

Particular consideration must be given to the implications for the protection of civilians in armed conflicts aggravated by population displacement and foreign occupation. The impact of conflict on housing, land and property, as well as forced demographic changes in such situations, require a more consistent approach to putting an end to illegal policies and practices and ensuring the safe and dignified return of displaced populations to their homes.

It is important that the recognition of the right to return, along with increased attention to its practical implementation and concrete measures aimed at overcoming obstacles preventing return, be applied by the international community with more systematic regularity. Ensuring the right to return constitutes a categorical rejection of the gains of ethnic cleansing and offers important measures of justice to those displaced from their homes and land, thereby removing a source of possible future tension and conflict.

The lack of agreement on political issues should not be used as a pretext for not addressing problems caused by continued and deliberate disrespect for international humanitarian law and international human rights law in situations of armed conflict and military occupation.

Therefore, we proceed from the importance of reaffirming, in regard to such situations, the continuing applicability of all relevant norms of international humanitarian law and international human rights law, achieving the invalidation of activities aimed at the consolidation of military occupations, initiating urgent measures to mitigating the adverse effects of such activities, and discouraging any further practice of the same or similar nature.

As far as the international responsibility for violations of international humanitarian law and human rights law is concerned, it is important to note that, in certain well-known instances, occupying Powers are responsible not only for the actions of their own armed forces and other organs and agents of their Governments, but also for the actions of subordinate separatist regimes illegally created by them in occupied territories.

Integral to the existing challenges is the need to ensure accountability for violations of international humanitarian law and human rights law, both for individual perpetrators and for parties to conflict. In recent years, important steps have been taken for the protection and vindication of rights and the prevention and punishment of wrongs. The punishment of crimes with an international dimension and scope has demonstrated how effective international justice can be when there is political will to support it.

It is important to emphasize in this regard that ending impunity is essential not only for the purposes of identifying individual criminal responsibility for serious crimes, but also for ensuring sustainable peace, truth, reconciliation, the rights and interests of victims and the well-being of society at large. To hold otherwise would be tantamount to accepting the consequences of breaches of the rule of law and human rights and thus to legitimizing the results of wrongdoings.

The President: I now give the floor to the representative of Sri Lanka.

Mr. Kohona (Sri Lanka): I join previous speakers in expressing appreciation to you, Madam President, for convening today's open debate and congratulate you on your assumption of the presidency. We also thank the Secretary-General for his statement and Under-Secretary-General John Holmes and the United Nations High Commissioner for Human Rights for their useful briefings.

My delegation believes that the protection task cannot be understood and addressed in humanitarian terms alone, as it requires focus and action on a multiplicity of different areas, ranging from politics to human rights to disarmament. The Security Council has considered the protection of civilians issue for over a decade. We can acknowledge that substantive results have been achieved in establishing a normative framework. The politicization and selectivity that characterize the debate have affected credibility. This has called into question our sincerity about concerns for the plight of civilians affected by armed conflict.

The normative framework on civilian protection cannot be applied in a theoretical manner, regardless of the circumstances. Our own past experience in dealing with a terrorist group that used the civilian population forcibly as a human shield to launch attacks on the armed forces should remind all of us of the challenges. While shielding themselves behind innocent civilians, they also succeeded in marshalling the support of their sympathizers abroad to stage massive demonstrations. Unfortunately, too many well-meaning persons were taken in by these cynical efforts to garner sympathy. Many of the rules of war are based on the presumption that the parties to the conflict are the conventional armies of responsible States, but terrorists totally disregard these laws and principles.

We also need to address the causes of th escalation of armed conflict. The proliferation of illic arms has contributed to the spread of violence an terrorism everywhere. Unless we are able to stop it proliferation, civilian safety will remain at stake, an our best efforts to deal with the humanitaria consequences of conflicts will soon exceed existin capacities and available resources.

Whilst measures can be imposed, albe selectively, on States legitimately engaged i protecting their civilian population from terrorist non-State actors such as terrorist groups, on the othe hand, have relatively easy access to illicit weapon This is because there is no dedicated internationa regime to conduct surveillance, let alone interdictio of such illicit arms trafficking. On the other hand external actors such as diaspora communities openl fund arms purchases aimed at destabilizing State whilst receiving support and protection in their hos countries, and their criminal agents cross internationa boundaries at will, unchecked.

There is also a need to recognize the legitimat role of the military in civilian protection, whilst we ca agree that it is not an exclusive role. It is noteworth that protective responsibilities are part of the mandat of United Nations peacekeeping forces, and the valuable contribution in this regard has been note More than 3,000 Sri Lankan peacekeepers are on th ground protecting civilians in challenging operationa environments.

The role of Governments in civilian protectio should be respected, as it is their primary responsibilit to protect their own citizens, especially in times o armed conflict. United Nations and other humanitaria agencies must support and assist Governments and, i doing so, be sensitive to the realities on the ground including by respecting the sovereignty of States. Th principle of unimpeded access for humanitaria personnel must be respected, but it cannot disregard th State's responsibility to ensure the safety and securit of humanitarian personnel, as terrorists do no distinguish between military and humanitaria personnel in their attacks. Calls for unimpeded acces in some situations are once again a clear case o applying theory without factoring in the realities on th ground. It must never be overlooked that, as in our ow experience, the military, often at a huge cost to it personnel, has to brave the dangers of terrorism t bring civilians out of harm's way.

Therefore, military and humanitarian personnel must seek to work in partnership, and their responsibilities towards civilians must be addressed through regular dialogue and consultation in places where civilian protection is at stake. Therefore, we should look at capacity-building measures for military personnel and peacekeeping forces to deal with civilian protection activities. The assumption that civilians can best be protected and cared for only by civilian humanitarian workers belies the training provided to our armed forces to respect humanitarian law at all times and to handle peacekeeping responsibilities. These are particularly pertinent given that we are dealing increasingly with internal conflicts.

An inevitable consequence of armed conflict is internal displacement. Internal displacement poses several challenges; key among them is that armed groups use displacement to exploit civilian populations, sometimes by masquerading among them. In this context, civilians have a right to be protected and the State has the primary responsibility not only to provide for the welfare of displaced civilians in terms of food, clothing, medical care and shelter, but also to ensure their safety in keeping with the provisions of the Guiding Principles on Internal Displacement. Unfortunately, ground realities are not understood or considered by those who look at civilian protection in isolation and apply generalizations regardless of the specific circumstances.

The resettlement issue is also politicized. In my country, we have resettled nearly 90 per cent of internally displaced persons within one year of concluding a 27-year conflict. Resettlement necessitated clearance of uncharted mine fields laid by the terrorist group in civilian residential areas, farmlands and roads. Whilst assistance for de-mining and resettlement is miniscule, there are those who hypocritically preach to us about the need for early resettlement.

The cost of armed conflict on civilians and the need for accountability is a matter of concern to all democratic and elected Governments, including our own. In this context, our Government established a commission of inquiry in May this year. Quite often and quite naturally, the focus on civilian casualties is centred on the loss of life and property damage caused in military operations, whilst insufficient consideration is given to the thousands of lives lost in suicide attacks on civilian targets by non-State actors. We have to devise means to also hold non-State actors accountable and to recognize the asymmetrical nature of conflicts where democratic States are confronted by ruthless terrorist groups that pay scant attention to the rules of war and challenge conventional armies on how best to protect vulnerable civilian populations.

My delegation hopes that the Council's discussion on the protection of civilians will facilitate practical decisions based on ground realities. The challenges facing us are primarily of a practical nature, requiring more international cooperation and greater coordination between the United Nations and Member States.

In conclusion, we would like to acknowledge the valuable contribution of the United Nations agencies, particularly the Office of the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs (OCHA), and other national and international partners in providing support and assistance to Government efforts for relief rehabilitation and the resettlement of the affected civilians. My delegation wishes to convey a special word of appreciation to Under-Secretary-General Sir John Holmes for the very constructive and supportive role he has played and for his excellent leadership of OCHA. We wish him well in all his future endeavours.

The President: I call on the representative of Armenia.

Mrs. Khoudaverdian (Armenia): I thank you, Madam President, for organizing this essential debate. At the outset, we would like to join previous speakers in thanking the Secretary-General for his briefing and in commending Under-Secretary-General John Holmes for his tireless and noble efforts and his exceptional contribution in systematically addressing this important issue in this Chamber. We wish him all the best in his future endeavours.

Armenia aligns itself with the statement made by the representative of the European Union. However, we would like to make some remarks in our national capacity.

The frequency with which the Security Council addresses this issue underscores the urgency of the matter and the need for the international community to fulfil its commitments to protecting civilians through the implementation of the provisions of international humanitarian law. Therefore, we share the views

expressed by the Council's members and other speakers, which call for more systematic attention to protection, and we believe that it should be frequently reflected in the deliberations of the Security Council. We also trust that increased efforts to fight impunity at the national and international levels are essential. Armenia therefore welcomes this opportunity to recap and reflect on the Council's past 10 years of experience in dealing with the issue of the protection of civilians and to highlight priority aspects for united practical actions.

In a lessons-learned process, this debate should also enable the Council to more effectively address specific concerns related to the protection of civilian populations. The Council has to send a clear message to all parties to armed conflicts, reminding them of their obligations and condemning violations of international humanitarian and human rights law.

It is unfortunate that, despite the existence of international legal instruments and normative mechanisms, innocent civilians — including women, children and elderly persons — as well as international humanitarian personnel, continue to suffer in conflict situations. We are convinced that, in order to address the situation, we must abandon selective approaches to violations of international humanitarian law. There must also be strict adherence to human rights standards. Armenia believes that the international community must effectively seek the thorough compliance of all parties with the norms of international humanitarian law.

The peaceful resolution of any conflict is not an easy enterprise and requires strong political will and painful compromises from both sides. We believe, however, that the time has come to replace the unchanged rhetoric of hollow allegations with constructive steps aimed at making the environment more conducive to peaceful settlement. Armenia remains committed to the peaceful resolution of conflicts and strongly believes that the fundamental solution of the problem can be achieved only by peaceful means based on the principles of international law.

We believe that the Security Council should further contribute to the strengthening of the rule of law and upholding the international law also by supporting criminal justice mechanisms. Undoubtedly, the prosecution of those responsible for these crimes continues to be an urgent matter. We strongly condemn deliberate attacks on and killings of civilians through the indiscriminate or disproportionate use of force, which is a gross violation of international humanitarian law in any conflict, in any part of the world.

The President: The representative of Lebanon has asked for the floor to make a further statement. I give him the floor.

Mr. Ziadeh (Lebanon): I take the floor to reply to the statement made by the Israeli representative regarding Security Council resolution 1701 (2006).

While reiterating its commitment to the full implementation of resolution 1701 (2006), which, inter alia, defines the role and mandate of the United Nations Interim Force in Lebanon, Lebanon would like to underline the fact that Israel is the party that is not abiding by its obligations under the resolution through its daily violations of Lebanese sovereignty. These violations have been documented in all of the Secretary-General's reports on the implementation of resolution 1701 (2006), the latest being that to be discussed by this Council on 14 July.

The President: I shall now give the floor to Mr. John Holmes to make a brief statement.

Mr. Holmes: Let me take the opportunity to thank all those delegations that have spoken in today's debate for their participation and the great commitment they have shown through that participation to the protection of civilians agenda, now and in the future. Let me also thank those who have sat through the debate this afternoon for ignoring the temptations of the World Cup. Let me also thank the many delegations that thanked the Secretary-General, myself and the High Commissioner for Human Rights on our initial presentations and on the role of the Office for the Coordination of Humanitarian Affairs (OCHA) and the Office of the United Nations High Commissioner for Human Rights.

Of course, many delegations also mentioned in very kind terms my own role. Let me say that I hope that this is my last statement to the Security Council, although because I still have almost two months of my mandate still to run, nothing is excluded in this rather uncertain world.

I was struck by the reference that was made, I think, by the representative of Bosnia and Herzegovina to the forthcoming anniversary of Srebrenica, which is

a very powerful reminder of exactly what we are talking about here. If we needed further reminders, today has seen further suicide bombings in Iraq, resulting in at least 35 civilian deaths amongst Shiite pilgrims in that country.

I noted the strong interest of many of those who spoke in the protection of civilians mandates in peacekeeping contexts, the particular value of the study that was commissioned jointly by OCHA and the Department of Peacekeeping Operations (DPKO) and, of course, the work that has been done since then to implement some of the recommendations of that report. I note the particular emphasis, which I also strongly welcome, on getting mandates of peacekeeping operations right in the first place and, in particular, on matching mandates to means and ensuring that expectations and resources for the protection of civilians are not too far removed from each other. Let me assure the Council that OCHA will continue to work with DPKO and the Department of Field Support in this area.

I also noted the worries that many delegations expressed, as I did myself, about the implications for the protection of civilians of the withdrawal of the United Nations Mission in the Central African Republic and Chad later this year and the potential withdrawal at some future stage of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). Again, let me assure delegations that we will continue to follow these questions very closely.

Let me respond very briefly to some specific points that were raised by delegations during the debate. The representative of United Kingdom drew attention to the difference between deliberate or indiscriminate attacks on civilians and those military actions where efforts are made to avoid civilian casualties but they nevertheless result. I agree that there is a difference between these two kinds of situations, and I understand the difference and the point that is being made. But of course, this does not justify the civilian casualties that are caused in an unintended manner, since the requirements of distinction and proportionality, which are basic to international humanitarian law, still have to be fully met in all cases.

I also appreciate the points made by the representative of Pakistan about the displaced in his country. Of course, a briefing of the kind that I gave this morning cannot do full justice to all the aspects and subtleties of any particular situation. I recognize the efforts that have been made by the Government of Pakistan to protect civilians, but the fact remains that, despite the returns that there have been in the past few months, there are still around 1 million people displaced in Pakistan, and that process of displacement continues.

There has been mention by several delegations of the relationship between the protection of civilians agenda and the responsibility to protect. These are, of course, linked but distinct domains and distinct initiatives, and it is important that they remain so. The protection of civilians is a much broader and wider concept, with wider application, whereas the responsibility to protect is very much focused on the four major crimes, and we need to bear those distinctions in mind.

A few speakers have mentioned the sensitive subject of engagement on humanitarian issues with non-State armed groups. Let me echo again the view that was expressed by the Secretary-General this morning that engagement with such groups is a critical element to ensuring compliance with international humanitarian law and especially with requirements to enable humanitarian access. I note that some States have suggested — or asserted — that their consent is a precondition to such engagement, even on humanitarian subjects. Of course, such consent is preferable, but let me point out that the first duty of States that are party to the Geneva Conventions is not only to respect international humanitarian law but also to ensure respect for international humanitarian law. I believe that this duty also includes the facilitation of engagement with non-State armed groups, again to enhance their compliance with international humanitarian law.

We are long past the days in which either the fate of civilians or the conduct of non-State armed actors can simply be seen to be beyond the proper purview of the international community, even if no one is putting in question, naturally, the sovereignty of nation-States. This is the reason why, as both the Secretary-General and I noted earlier today, that States need to distinguish between engagement with such groups for political purposes and engagement with such groups for humanitarian purposes.

On the related point of the applicability of international humanitarian law to situations where terrorism is being practiced, I must respectfully disagree with the idea mentioned by some delegations that counter-terrorism cannot be defined as armed conflict, and therefore subject to international humanitarian law, and that it is instead entirely a matter within a country's sovereign right. Naturally, Governments have the responsibility to protect their citizens, including against terrorist acts. Nevertheless, the rules of international humanitarian law, including the Geneva Conventions, apply not only wherever there is conflict between States in international relations, but also when armed hostilities involving non-State armed groups rise to levels of frequency or severity that go beyond that of sporadic violence, occasional riots or internal disturbances. Thus, facts on the ground that reflect conditions above these thresholds do trigger the application of the international humanitarian law of armed conflict, whether or not they also involve acts that can be characterized as terrorism.

Some delegations have also referred, as we have heard before in similar debates, to the difficulties of asymmetric warfare and of reconciling the protection of civilians with this kind of warfare — in other words, fighting non-State armed groups that often take advantage of operating from within the civilian population. Asymmetric warfare is not, in fact, quite as new of a phenomenon as it is sometimes portrayed. However, there is no doubt that it does increasingly characterize many of today's internal conflicts and pose significant problems for those trying to conduct such warfare. I recognize that systematic violations by one party to armed conflict in these situations create great challenges for other parties, especially when these violations themselves involve the principle of distinction and the use of civilians as human shields in one way or another.

But the point that I want to make is that such challenges and violations cannot and do not justify disregard of the rules of international humanitarian law by other parties to the conflict. Indeed, as I have argued before, they actually require the party to the conflict to take more care, and not less, to protect civilians in such hostilities, however difficult that may be.

Let me assure the representative of Sri Lanka that we do believe that non-State actors should be held as accountable for the acts they commit as member States are. Let me also assure him, in response to some of his comments, that we accept that the military can and does play a role in the protection of civilians. However, we also have to accept that it does not always play such a role, or does not always play such a role as well as it should, and I therefore agree with him that further training for military forces of whatever kind would be well worthwhile in this area. I also agree with him that the realities on the ground must be respected and taken into account in all these areas, but we must also start from principles such as unhindered access for humanitarian actors, or we shall be lost.

A lot of speakers have referred to the issue of accountability, as the Secretary-General, the United Nations High Commissioner for Human Rights and I did in our presentations. Several delegations have echoed the call for enhanced or more regularly available mechanisms to investigate violations of humanitarian law and human rights law in armed conflict. I take particular note, for example, of the recommendation of the representative of Argentina, that the existing International Fact-Finding Commission established under article 90 of Additional Protocol I to the Geneva Conventions be considered by parties to armed conflict as a neutral and independent body designed for this purpose. This is not a new idea, and I have to say that previous efforts to actually put it to practical use have not hitherto been successful. However, what is clear to me is that something more systematic, more automatic and less politicized than the system we have now would be well worthwhile.

On the question of accountability, let me also add that, while there is room for legitimate disagreement over the right process for any given situation, it does not seem to be acceptable that a Government minister in Sri Lanka should advocate blocking the activity of the United Nations in that country to put pressure on the Secretary-General over a legitimate decision that he has taken to establish an advisory panel. I trust that the assurances that we have received about the safety and freedom of United Nations staff in Sri Lanka will be fully restored or fully met, and that the Government of Sri Lanka will clearly dissociate itself from the call of one of its own ministers and reassert the normal Government doctrine of collective responsibility for Government policies.

In conclusion, let me once again thank all those who have spoken in this debate and contributed to it. I

think it was a very rich and worthwhile debate. Let me repeat, as this is probably my last word to the Council — although not necessarily, as I said at the beginning — my basic point that the gap between principle and practice, between norms and the reality on the ground, and between statements in the Council and how many States behave outside it is simply too wide at present to be acceptable. It must be bridged. If it is not, not only will the condition of civilians on the ground deteriorate, but so will the credibility of the Council and its members. Thank you again, Madam, for giving me the opportunity to respond.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.10 p.m.